

## **BILL ANALYSIS**

H.B. 2856  
By: Swanson  
Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been reported that some Medicaid and CHIP providers are refusing to treat individuals and families who have chosen not to receive all available vaccines or immunizations. It has been suggested that because these providers have contracted with the government, they should not be allowed to discriminate against these Texans based on their personal beliefs. H.B. 2856 seeks to address this issue by prohibiting provider discrimination against a Medicaid recipient or CHIP enrollee based on vaccination or immunization status and requiring that a provider who violates that prohibition be refused reimbursement and disenrolled from Medicaid or CHIP.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

### **ANALYSIS**

H.B. 2856 amends the Government Code to prohibit a Medicaid or CHIP provider from refusing to provide health care services to a Medicaid recipient or CHIP enrollee based on the recipient's or enrollee's refusal or failure to obtain a vaccine or immunization for a particular infectious or communicable disease. The bill prohibits the Health and Human Services Commission (HHSC) from reimbursing a provider who violates that prohibition and requires HHSC to disenroll the provider from participation as a provider under Medicaid or CHIP. The executive commissioner of HHSC may adopt rules as necessary to implement these provisions.

### **EFFECTIVE DATE**

September 1, 2021.