



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

October 2, 2025

Via Certified Mail

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Marc L. Boom, M.D.
President and Chief Executive Officer
The Methodist Hospital
d/b/a Houston Methodist
6565 Fannin St., Suite D200
Houston, TX 77030-2892

RE: Houston Methodist's Compliance with Texas Law Prohibiting Discrimination
Against Organ Transplant Patients Based on Vaccination Status

Dear Dr. Boom,

The Office of the Attorney General (OAG) requests a response regarding Houston Methodist's compliance with Section 161.474 of the Texas Health & Safety Code, which prohibits healthcare providers from denying organ transplants to patients based on their refusal to receive a COVID-19 or other vaccination. Section 161.474, previously H.B. 4076, took effect on September 1, 2025. OAG has reason to believe that certain Houston Methodist policies may violate this law if still in effect.

We understand from a social media post on X dated July 24, 2025 that Houston Methodist's Kidney Transplant Program Evaluation and Waitlist Clinical Practice Guideline ("Kidney Transplant CPG") mandates the COVID-19 vaccine for all kidney transplant recipients. The CPG states, "[t]he kidney transplant will be postponed until the recipient receives the Covid-19 vaccine" and patients who did not receive the vaccine from Houston Methodist "must provide valid documentation of receiving the Covid-19 vaccine from the provider."¹

Texas Health & Safety Code § 161.474 provides that a health care provider may not, solely on the basis of a patient's vaccination status, (1) determine that a patient is ineligible for an organ transplant, (2) deny medical or other services related to a transplant, (3) refuse to refer the patient to a transplant center or specialist, or (4) refuse to place the patient on an organ transplant waitlist or give them lower priority solely because of their vaccination status.

¹ <https://x.com/MdBreathe/status/1948382352641863806>

If still in effect, the Kidney Transplant CPG would violate state law by requiring patients to receive a COVID-19 vaccine prior to a kidney transplant. Further, to the extent any other Houston Methodist transplant policies mandate vaccination of any kind for transplant patients or penalize them solely based on their vaccination status, including, for instance, by giving them lower priority on transplant waitlists, those policies would also violate state law.

Within 14 days of your receipt of this letter, please notify OAG of the steps you have taken to comply with Texas Health & Safety Code § 161.474, including but not limited to, whether the Kidney Transplant CDG remains in effect. **Failure to do so will result in the opening of a formal investigation by OAG.** You should submit your response in writing to the address below or by email to Amy.Hilton@oag.texas.gov.

Thank you for your attention to this matter.

Sincerely,

/s/ Amy Snow Hilton

AMY SNOW HILTON

Chief, Healthcare Program Enforcement

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