

By: Laubenberg

H.B. No. 144

A BILL TO BE ENTITLED

AN ACT

relating to payment for health care services and participation in a health care system.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 8, Insurance Code, is amended by adding Subtitle K to read as follows:

SUBTITLE K. PROVISIONS APPLICABLE TO HEALTH CARE SERVICES PROVIDED PURSUANT TO HEALTH CARE SYSTEM

CHAPTER 1671. HEALTH CARE SERVICES PROVIDED PURSUANT TO HEALTH CARE SYSTEM

Sec. 1671.001. DEFINITIONS. In this chapter:

(1) "Direct payment" means payment for health care services provided to an individual or a dependent of the individual that is made by the individual or by the individual's employer, without a public or private third party, other than the employer, paying for any portion of the service.

(2) "Health care system" means any public or private entity, including a health insurer or health benefit plan, that for the benefit of its participants:

(A) manages, enrolls individuals in, or makes full or partial payment for health care services; or

(B) manages or processes health care data or information.

Sec. 1671.002. DIRECT PAYMENT; HEALTH CARE SYSTEM

1 PARTICIPATION. (a) This state, an agency of this state, or a health
2 care system may not:

3 (1) impose a fine or penalty on an individual or the
4 individual's employer for direct payment for a health care service;

5 (2) impose a fine or penalty on a health care provider
6 for accepting direct payment for a health care service; or

7 (3) directly or indirectly require an individual,
8 employer, or health care provider to participate in a health care
9 system, including imposing a fine or penalty for failure to
10 participate.

11 (b) This section does not:

12 (1) affect which health care services a health care
13 provider or hospital is required to provide;

14 (2) affect which health care services are permitted by
15 law;

16 (3) prohibit care provided pursuant to a workers'
17 compensation claim;

18 (4) affect a law or rule in effect January 1, 2010; or

19 (5) affect the terms or conditions of a health care
20 system that do not:

21 (A) impose a fine or penalty on an individual or
22 the individual's employer for direct payment for a health care
23 service; or

24 (B) impose a fine or penalty on a health care
25 provider for accepting direct payment for a health care service.

26 Sec. 1671.003. CONFLICTING LAW. A law that conflicts with
27 this chapter is void.

1 SECTION 2. This Act takes effect September 1, 2011.