

By: Laubenberg

H.J.R. No. 30

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing certain payment  
2 for health care services and prohibiting requiring participation in  
3 a health care system.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article III, Texas Constitution, is amended by  
6 adding Section 68 to read as follows:

7 Sec. 68. (a) In this section:

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

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

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

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

20 (b) This state, an agency of this state, or a health care  
21 system may not:

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

24 (2) impose a fine or penalty on a health care provider

1 for accepting direct payment for a health care service; or  
2 (3) directly or indirectly require an individual,  
3 employer, or health care provider to participate in a health care  
4 system, including imposing a fine or penalty for failure to  
5 participate.

6 (c) This section does not:

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

9 (2) affect which health care services are permitted by  
10 law;

11 (3) prohibit care provided pursuant to a workers'  
12 compensation claim;

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

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

16 (A) impose a fine or penalty on an individual or  
17 the individual's employer for direct payment for a health care  
18 service; or

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

21 SECTION 2. This proposed constitutional amendment shall be  
22 submitted to the voters at an election to be held November 8, 2011.  
23 The ballot shall be printed to permit voting for or against the  
24 proposition: "A constitutional amendment authorizing certain  
25 payment for health care services and prohibiting requiring  
26 participation in a health care system."