

By: Laubenberg

H.J.R. No. 109

Substitute the following for H.J.R. No. 109:

By: Turner of Collin

C.S.H.J.R. No. 109

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing certain payments
2 for health care services and prohibiting requiring participation in
3 a mandatory 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 any payment for health care
9 services provided to an individual or dependent of the individual
10 that is made by the individual or by an employer of the individual
11 who pays any portion of the service on behalf of the individual.

12 (2) "Health care system" means any public or private
13 entity, including a health insurer or health benefit plan, that for
14 the benefit of its participants manages, enrolls individuals in, or
15 makes full or partial payment for health care services.

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

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

20 (2) prohibit a health care provider from, or fine or
21 penalize a health care provider for, billing for or accepting
22 direct payment for a health care service; or

23 (3) directly or indirectly require an individual,
24 employer, or health care provider to participate in a health care

1 system, including imposing a fine or penalty for failure to
2 participate.

3 (c) This section does not:

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

6 (2) affect which health care services are permitted by
7 law; or

8 (3) prohibit health care provided pursuant to a
9 workers' compensation claim.

10 (d) This section may not be construed to prohibit a
11 negotiated provision in any insurance contract, network agreement,
12 or other provider agreement contractually limiting copayments,
13 coinsurance, deductibles, or other patient charges.

14 SECTION 2. This proposed constitutional amendment shall be
15 submitted to the voters at an election to be held November 5, 2013.
16 The ballot shall be printed to permit voting for or against the
17 proposition: "The constitutional amendment authorizing certain
18 payments for health care services and prohibiting requiring
19 participation in a mandatory health care system."