

By: Laubenberg

H.J.R. No. 109

A JOINT RESOLUTION

1 proposing a constitutional amendment authorizing certain payment  
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 an employer who pays any portion  
11 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;

8 (3) prohibit care provided pursuant to a workers'  
9 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: "A constitutional amendment authorizing certain  
18 payment for health care services and prohibiting requiring  
19 participation in a health care system."