

House Bill 3226

Sponsored by Representative THOMPSON; Representatives FREEMAN, GARRARD, WEIDNER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits public body from requiring persons to participate in health care systems or prohibiting persons from paying health care providers directly for health care services.

A BILL FOR AN ACT

1
2 Relating to health.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Compel" means encouraging or discouraging conduct through the use of penalties**
6 **or fines.**

7 (b) **"Direct payment" means paying a provider of health care services directly for lawful**
8 **health care services instead of a payment to a provider by a public or private third party or**
9 **insurer. "Direct payment" includes payment to a provider by an employer for the cost of an**
10 **employee's lawful health care services.**

11 (c) **"Health care system" means any public or private entity organized for the purpose**
12 **of managing or processing health care services, data or information or for enrolling individ-**
13 **uals in an organization that pays for or provides health care.**

14 (d) **"Lawful health care services" means any health-related service or treatment to the**
15 **extent that the service or treatment is permitted or not prohibited by law and that is pro-**
16 **vided by a person authorized to provide such service or treatment.**

17 (e) **"Penalties or fines" means any civil or criminal penalty, fine, tax, salary or wage**
18 **withholding, surcharge or any named fee with a similar effect established by law by a state**
19 **or federal agency that is used to punish or discourage the exercise of rights protected under**
20 **this section.**

21 (f) **"Public body" has the meaning given that term in ORS 174.109.**

22 **(2) A public body may not:**

23 (a) **Directly or indirectly compel a person to participate in any health care system;**

24 (b) **Prohibit any direct payment made to or accepted by a health care provider by im-**
25 **posing penalties or fines; or**

26 (c) **Subject to reasonable and necessary conditions that do not substantially limit a**
27 **person's options, prohibit the purchase or sale of health insurance in private health care**
28 **systems.**

29 **(3) This section does not affect:**

30 (a) **Which health care services a health care provider is required to perform or provide.**

31 (b) **Which health care services are permitted by law.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(c) Laws in effect on January 1, 2009.**

2 **(d) The terms or conditions of any health care system if such terms and conditions do**
3 **not have the effect of punishing direct payment by or to any person.**

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