
HOUSE BILL 1946

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Shea, Condotta, Taylor, Klippert, Kristiansen, McCune, Fagan, Warnick, Schmick, Angel, Overstreet, Bailey, and Parker

Read first time 02/14/11. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to adopting the Washington state health care
2 freedom act of 2011; and adding new sections to chapter 48.44 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** This act may be known and cited as the
5 Washington state health care freedom act of 2011.

6 NEW SECTION. **Sec. 2.** (1) A law or rule pertaining to health care
7 shall not directly or indirectly compel any person, employer, or health
8 care provider to participate in any health care system.

9 (2) A person or employer may pay directly for lawful health care
10 services and shall not be required to pay any penalty, fine, or other
11 sanction for paying directly for lawful health care services.

12 (3) A health care provider may accept direct payment for lawful
13 health care services and shall not be required to pay any penalty,
14 fine, or other sanction for accepting direct payment from a person or
15 employer for lawful health care services.

16 (4) Subject to reasonable and necessary rules that do not
17 significantly and substantially limit a person's or employer's options

1 to participate in any health care system or obtain lawful health care
2 services, the purchase or sale of health insurance in private health
3 care systems shall not be prohibited by law or rule.

4 (5) The provisions of this section do not affect:

5 (a) Health care services a health care provider or facility is
6 required to perform or provide;

7 (b) Health care services permitted by law;

8 (c) The terms or conditions of any health care system to the extent
9 that those terms and conditions do not have the effect of sanctioning
10 a person or employer for paying directly for lawful health care
11 services or a health care provider or facility for accepting direct
12 payment from a person or employer for lawful health care services.

13 (6) For the purposes of this section:

14 (a) "Compel" includes penalties, fines, or other sanctions.

15 (b) "Direct payment or pay directly" means payment for lawful
16 health care services without a public or private third party, not
17 including an employer, paying for any portion of the service.

18 (c) "Health care system" means any public or private entity whose
19 function or purpose is the management of, processing of, enrollment of
20 individuals for or payment for, in full or in part, health care
21 services or health care data or health care information for its
22 participants.

23 (d) "Lawful health care services" means any health-related service
24 or treatment to the extent that the service or treatment is permitted
25 or not prohibited by law or rule that may be provided by persons or
26 entities otherwise permitted or not prohibited by law to offer such
27 services.

28 (e) "Penalties, fines, or other sanctions" means any civil or
29 criminal penalty, fine, tax, salary or wage withholding, surcharge, or
30 any other sanction with a similar effect established by law or rule by
31 a government established, created, controlled, or regulated agency that
32 is used to sanction or discourage the exercise of rights protected
33 under this section.

34 (7) Any federal law, rule, order, or other act by the federal
35 government violating the provisions of this section is hereby declared
36 to be invalid in this state, is not recognized by and is specifically
37 rejected by this state, and is considered as null and void and of no
38 effect in this state.

1 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act are each added
2 to chapter 48.44 RCW.

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