

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 219**

Introduced by McCoy, 39.

Read first time January 10, 2011

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to health care; to adopt the Health Care Freedom

2 Act.

3 Be it enacted by the people of the State of Nebraska,

1           Section 1. This act shall be known and may be cited as  
2 the Health Care Freedom Act.

3           Sec. 2. For purposes of the Health Care Freedom Act:

4           (1) Compel means to require the performance of an act by  
5 means of imposition of a fine or penalty;

6           (2) Direct payment means payment for a lawful health care  
7 service by the recipient of such service without payment of any  
8 portion thereof by a public or private third party, including an  
9 employer;

10          (3) Fine or penalty means a civil or criminal penalty, a  
11 fine, a tax, an amount withheld from salary or wages, or a surcharge  
12 or a named fee with a similar effect established by law, rule, or  
13 regulation relating to participation in or nonparticipation in a  
14 health care system;

15          (4) Health care facility has the definition found in  
16 section 71-413;

17          (5) Health care provider has the definition found in  
18 section 44-903;

19          (6) Health care system means any public or private entity  
20 the main function or purpose of which is the management or processing  
21 of payment for health care services or health care data or  
22 information related to participating individuals; and

23          (7) Lawful health care service means any health-related  
24 service or treatment permitted or not prohibited by law or rules and  
25 regulations that is lawfully provided by a health care provider.

1           Sec. 3. (1) No individual, employer, or health care  
2 provider shall be compelled directly or indirectly to participate in  
3 a health care system.

4           (2)(a) Any person may make direct payment for a lawful  
5 health care service provided to him or her or his or her dependent  
6 without the imposition of any fine or penalty. An employer may make  
7 direct payment for a lawful health care service provided to an  
8 employee or such employee's dependent without the imposition of any  
9 fine or penalty.

10           (b) A health care provider may accept direct payment for  
11 a lawful health care service without the imposition of any fine or  
12 penalty.

13           (3) Subject to reasonable and necessary rules and  
14 regulations that do not limit the purchaser's or seller's options,  
15 the purchase or sale of health insurance in a private health care  
16 system shall not be prohibited by law, rule, or regulation.

17           (4) This section does not:

18           (a) Affect which health care services a health care  
19 provider or health care facility is required to provide;

20           (b) Affect which health care services are lawful health  
21 care services;

22           (c) Prohibit health care services provided pursuant to  
23 the Nebraska Workers' Compensation Act;

24           (d) Affect the terms and conditions of coverage by any  
25 health care system to the extent that such terms and conditions do

1 not impose a fine or penalty for direct payment or acceptance of  
2 direct payment for lawful health care services; or  
3 (e) Affect any law, rule, or regulation in effect on or  
4 before January 1, 2011.