
HOUSE BILL 2198

State of Washington

64th Legislature

2015 Regular Session

By Representatives Shea, Taylor, Scott, G. Hunt, Condotta, McCaslin, and Young

Read first time 03/20/15. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to adopting the Washington state health care
2 freedom act of 2015; 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 2015.

6 NEW SECTION. **Sec. 2.** (1) A law or rule pertaining to health
7 care shall not directly or indirectly compel any person, employer, or
8 health 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
18 options to participate in any health care system or obtain lawful
19 health care services, the purchase or sale of health insurance in
20 private health care systems shall not be prohibited by law or rule.

1 (5) The provisions of this section do not affect:
2 (a) Health care services a health care provider or facility is
3 required to perform or provide;
4 (b) Health care services permitted by law;
5 (c) The terms or conditions of any health care system to the
6 extent that those terms and conditions do not have the effect of
7 sanctioning a person or employer for paying directly for lawful
8 health care services or a health care provider or facility for
9 accepting direct payment from a person or employer for lawful health
10 care services.
11 (6) For the purposes of this section:
12 (a) "Compel" includes penalties, fines, or other sanctions.
13 (b) "Direct payment or pay directly" means payment for lawful
14 health care services without a public or private third party, not
15 including an employer, paying for any portion of the service.
16 (c) "Health care system" means any public or private entity whose
17 function or purpose is the management of, processing of, enrollment
18 of individuals for or payment for, in full or in part, health care
19 services or health care data or health care information for its
20 participants.
21 (d) "Lawful health care services" means any health-related
22 service or treatment to the extent that the service or treatment is
23 permitted or not prohibited by law or rule that may be provided by
24 persons or entities otherwise permitted or not prohibited by law to
25 offer such services.
26 (e) "Penalties, fines, or other sanctions" means any civil or
27 criminal penalty, fine, tax, salary or wage withholding, surcharge,
28 or any other sanction with a similar effect established by law or
29 rule by a government established, created, controlled, or regulated
30 agency that is used to sanction or discourage the exercise of rights
31 protected under this section.
32 (7) Any federal law, rule, order, or other act by the federal
33 government violating the provisions of this section is hereby
34 declared to be invalid in this state, is not recognized by and is
35 specifically rejected by this state, and is considered as null and
36 void and of no effect in this state.

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

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