

HOUSE RESEARCH

Bill Summary

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Subject: Freedom of Choice in Health Care

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Overview

This bill specifies that it is the public policy of Minnesota that every person in the state be free to choose or decline any mode of securing health services without penalty, and prohibits any public official from enforcing such a penalty. The bill requires the attorney general to defend this policy and take action against violations of this policy, and against laws or regulations violating this policy that are enacted without adequate federal funding. The bill also repeals early Medical Assistance expansion for adults without children and related sections of law, effective February 28, 2011.

Section

1 Freedom of choice in health care act. Adds § 1.06.

Subd. 1. Citation. States that the section may be known and cited as the “Freedom of Choice in Health Care Act.”

Subd. 2. Definitions. Defines the following terms: health care service, mode of securing, and penalty.

Subd. 3. Statement of public policy. (a) States that the power to require or regulate a person’s choice in the mode of securing health care services, or to impose a penalty related to that choice, is not found in the U.S. Constitution, and is a power reserved to the people and the states. Further states that Minnesota exercises its sovereign power to declare the public policy of the state regarding the right of persons to choose the mode of securing health care services.

(b) Declares that it is the public policy of the state that every person within the state is, and shall be, free to choose or decline any mode of securing health care services, without penalty or threat of penalty.

(c) Provides that the policy stated in this section shall not be applied to impair any

right of contract related to the provision of health care services.

Subd. 4. Enforcement. (a) Prohibits any public official, employee, or agent of the state or any of its political subdivisions from imposing, collecting, enforcing, or effectuating any penalty in the state that violates the public policy specified in this section.

(b) Requires the attorney general to take any action provided in this section or section 8.31 (additional duties of the attorney general) in defense or prosecution of rights protected under this section.

- 2 Investigate offenses against provisions of certain designated sections; assist in enforcement.** Amends § 8.31, subd. 1. A new paragraph (b) requires the attorney general to seek injunctive and other appropriate relief to preserve the rights and property of Minnesota residents, and defend the state of Minnesota and its officials, employees, and agents, in the event that any law or regulation violating the public policy set forth in this act is enacted by any government, subdivision, or agency.

A new paragraph (c) requires the attorney general to seek injunctive and other appropriate relief in the event that any law or regulation violating the public policy set forth in this act is enacted without adequate federal funding to the state to ensure affordable health care coverage is available to Minnesota residents.

- 3 Repealer.** (a) Repeals sections 256B.055, subdivision 15 (MA eligibility for adults without children) and 256B.0756 (Hennepin and Ramsey county pilot program for MA enrollees who are adults without children).

(b) Repeals Laws 2010, First Special Session, chapter 1, article 16, sections 6 (no asset limit for MA adults without children), 7 (setting income limit of 75 percent of FPG for MA adults without children), 18 (provider participation requirement for the modified GAMC program), 46 (state plan amendment related to early MA expansion), and 47 (contingent repealer related to implementation of early MA expansion).

Provides an effective date of February 28, 2011.