

April 6, 2011

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2309

Page 1, line 1, after "chapter" insert "26.1-36 and a new section to chapter"

Page 1, line 2, after "to" insert "accident and health insurance coverage and"

Page 1, after line 3, insert:

**"SECTION 1.** A new section to chapter 26.1-36 of the North Dakota Century Code is created and enacted as follows:

**Freedom to choose and provide medical services.**

1. Regardless of whether a resident of this state has or is eligible for health insurance coverage:
  - a. That resident has the right to seek medical treatment and services from any properly licensed medical provider in this state;
  - b. A person may not prevent or interfere with the right of any properly licensed medical provider in this state to provide to that resident medical treatment and services within that medical provider's scope of practice; and
  - c. A medical provider in this state has the right to provide or deny medical treatment and services to that resident as provided by law.
2. This section does not apply to:
  - a. An individual who voluntarily applies for coverage under a state-administered program pursuant to the medical assistance program under title XIX of the federal Social Security Act [42 U.S.C. 1396 et seq.] or the state's children's health insurance program under title XXI of the federal Social Security Act [42 U.S.C. 1397aa et seq.].
  - b. A student who is required by an institution of higher education to obtain and maintain health insurance as a condition of enrollment.
  - c. An individual who is required by a religious institution to obtain and maintain health insurance.
  - d. Health care benefits provided under the federal railroad system.
  - e. The terms or conditions of any health insurance policy or health service contract or of any other contractual arrangement for the provision of health care services offered through a private health care system or accident and health insurance company administering accident and health insurance policies and certificates as permitted under the laws of this state, regardless of whether entered before or after the effective date of this Act.
  - f. The right of a person to negotiate or enter a private contract for health insurance for an individual, family, business, or employee with an

insurance company, third-party administrator, or other provider of health care services or health insurance permitted under the laws of this state.

- g. The application of the federal Emergency Medical Treatment and Active Labor Act [42 U.S.C. 1395dd et seq.]."

Page 1, line 9, after the underscored closing bracket insert "likely"

Page 1, line 10, after the first "and" insert "may"

Renumber accordingly