HOUSE DOCKET, NO. 1536 FILED ON: 1/20/2011

HOUSE . . . . . No. 1180

The Commonwealth of Massachusetts

PRESENTED BY:

James M. Cantwell

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to the use and payment of ambulance services..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James M. Cantwell	*4th Plymouth*
Michael D. Brady	*9th Plymouth*
Kevin Aguiar	*7th Bristol*
James Arciero	*2nd Middlesex*
Bruce J. Ayers	*1st Norfolk*
Jennifer E. Benson	*37th Middlesex*
Garrett J. Bradley	*3rd Plymouth*
William N. Brownsberger	☐ *[District]* ☐
Angelo L. D'Emilia	*8th Plymouth*
Kimberly N. Ferguson	*1st Worcester*
John P. Fresolo	*16th Worcester*
Patricia A. Haddad	*5th Bristol*
Bradley H. Jones, Jr.	*20th Middlesex*
John D. Keenan	*7th Essex*
Thomas P. Kennedy	☐ *[District]*

David Paul Linsky	*5th Middlesex*
Paul McMurtry	*11th Norfolk*
James M. Murphy	*4th Norfolk*
Kevin J. Murphy	*18th Middlesex*
Alice Hanlon Peisch	*14th Norfolk*
Angelo J. Puppolo, Jr.	*12th Hampden*
John W. Scibak	*2nd Hampshire*
William M. Straus	*10th Bristol*
Daniel B. Winslow	*9th Norfolk*

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HOUSE . . . . . No. 1180

By Mr. Cantwell of Marshfield, a petition (accompanied by bill, House, No. 1180) of James M. Cantwell and others relative to insurance reimbursements for emergency ambulance service. Financial Services.

The Commonwealth of Massachusetts

An Act relative to the use and payment of ambulance services..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 176D of the General Laws is hereby amended by inserting after section 3B the following section:-

Section 3C. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Ambulance service provider", a person or entity licensed by the department of public health under section 6 of chapter 111C to establish or maintain an ambulance service.

"Emergency ambulance services", emergency services that an ambulance service provider is authorized to render under its ambulance service license when a condition or situation in which an individual has a need for immediate medical attention, or where the potential for such need is perceived by the individual, a bystander or an emergency medical services provider.

"Insurance policy" and "insurance contract", a contract of insurance, motor vehicle insurance, indemnity, medical or hospital service, dental or optometric, suretyship or annuity issued, proposed for issuance or intended for issuance by any insurer.

"Insured", an individual entitled to ambulance services benefits under an insurance policy or insurance contract.

"Insurer", a person as defined in section 1 of chapter 176D; any health maintenance organization as defined in section 1 of chapter 176G; a non-profit hospital service corporation organized under chapter 176A; any organization as defined in section 1 of chapter 176I that participates in a preferred provider arrangement also as defined in said section 1 of said chapter 176I; any carrier offering a small group health insurance plan under chapter 176J; any company as defined in section 1 chapter 175; any employee benefit trust; any self-insurance plan, and any

22 company certified under section 34A of chapter 90 and authorized to issue a policy of motor
23 vehicle liability insurance under section 113A of chapter 175 that provides insurance for the
24 expense of medical coverage.

25 (b) Notwithstanding any general or special provision of law to the contrary, in any
26 instance in which an ambulance service provider provides an emergency ambulance service to an
27 insured but is not an ambulance service provider under contract to the insurer maintaining or
28 providing the insured's insurance policy or insurance contract, the insurer maintaining or
29 providing such insurance policy or insurance contract shall pay the ambulance service provider
30 directly and promptly for the emergency ambulance service rendered to the insured. Such
31 payment shall be made to the ambulance service provider notwithstanding that the insured's
32 insurance policy or insurance contract contains a prohibition against the insured assigning
33 benefits thereunder so long as the insured executes an assignment of benefits to the ambulance
34 service provider and such payment shall be made to the ambulance service provider in the event
35 an insured is either incapable or unable as a practical matter to execute an assignment of benefits
36 under an insurance policy or insurance contract pursuant to which an assignment of benefits is
37 not prohibited, or in connection with an insurance policy or insurance contract that contains a
38 prohibition against any such assignment of benefits. An ambulance service provider shall not be
39 considered to have been paid for an ambulance service rendered to an insured if the insurer
40 makes payment for the emergency ambulance service to the insured. An ambulance service
41 provider shall have a right of action against an insurer that fails to make a payment to it pursuant
42 to this subsection.

43 (c) Payments to an ambulance service provider under subsection (b) shall be at a rate
44 equal to the lower of the provider's usual and customary charge for the ambulance service
45 rendered to the insured, or 3 times the then current published rate for the ambulance service
46 rendered to the insured as established by the Centers for Medicare and Medicaid Services under
47 Title XVIII of the Social Security Act (Medicare).

48 (d) An ambulance service provider receiving payment for an ambulance service in
49 accordance with subsections (b) and (c) shall be deemed to have been paid in full for the
50 ambulance service provided to the insured, and shall have no further right or recourse to further
51 bill the insured for said ambulance service with the exception of coinsurance, co-payments or
52 deductibles for which the insured is responsible under the insured's insurance policy or insurance
53 contract.

54 (e) No term or provision of this section shall be construed as limiting or adversely
55 affecting an insured's right to receive benefits under any insurance policy or insurance contract
56 providing insurance coverage for ambulance services. No term or provision of this section shall
57 create an entitlement on behalf of an insured to coverage for ambulance services if the insured's
58 insurance policy or insurance contract provides no coverage for ambulance services.