HOUSE DOCKET, NO. 3051 FILED ON: 1/18/2013

HOUSE . . . . . No. 2796

The Commonwealth of Massachusetts

PRESENTED BY:

Michael A. Costello

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 health policy commission.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael A. Costello	*1st Essex*

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HOUSE . . . . . No. 2796

By Mr. Costello of Newburyport, a petition (accompanied by bill, House, No. 2796) of Michael A. Costello for legislation to create a health policy commission. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

An Act relative to the health policy commission.

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

SECTION 1. Chapter 6D of the General Laws is hereby amended by striking section (2) and inserting in its place thereof, the following new section:-

Section 2. (a) There shall be established within the executive office for administration and finance, but not under its control, a state agency known as the health policy commission. The commission shall be an independent public entity not subject to the supervision and control of any other executive office, department, commission, board, bureau, agency or political subdivision of the commonwealth.

(b) There shall be a board, with duties and powers established by this chapter, which shall govern the commission. The board shall consist of 11 members: 1 of whom shall be the secretary for administration and finance, ex officio; 1 of whom shall be the secretary of health and human services, ex-officio; and 3 of whom shall be shall be appointed by the governor, 1 of whom shall serve as chairperson; 3 of whom shall be appointed by the attorney general; and three members shall be appointed by the auditor; provided, however, that said designees shall not be employees of the commission or any division thereof. All appointments after the initial term of appointment shall serve a term of 5 years, but a person appointed to fill a vacancy shall serve only for the unexpired term. An appointed member of the board shall be eligible for reappointment; however, no appointed member shall hold full or part-time employment in the executive branch of state government. The board shall annually elect 1 of its members to serve as vice-chairperson. Each member of the board shall be a resident of the commonwealth. Each member of the board serving ex officio may appoint a designee under section 6A of chapter 30.

The person appointed by the governor to serve as chairperson shall have demonstrated expertise in health care delivery, health care management at a senior level or health care finance and administration, including payment methodologies. The initial appointment of the chairperson

24 shall be for a term of 3 years; provided, however, that subsequent appointments shall be for a
25 term of 5 years. The second person appointed by the governor, shall have demonstrated expertise
26 in health plan administration and finance and shall be initially appointed for a term of 4 years.
27 The third person appointed by the governor, shall be a primary care physician and shall be
28 initially appointed for a term of 5 years. Of those persons appointed by the attorney general,
29 1shall have demonstrated expertise in health care consumer advocacy and shall be initially
30 appointed for a term of 2 years; 1 shall be a health economist and shall be initially appointed for
31 a term of 3 years; and 1 shall have expertise in behavioral health, substance use disorder, mental
32 health services and mental health reimbursement systems and shall be initially appointed for a
33 term of 1 year. Of those persons appointed by the auditor, 1 shall have demonstrated expertise in
34 representing the health care workforce as a leader in a labor organization and shall be initially
35 appointed for a term of 4 years; 1 shall have demonstrated expertise as a purchaser of health
36 insurance representing business management or health benefits administration and shall be
37 initially appointed for a term of 3 years; and 1 shall have demonstrated expertise in the
38 development and utilization of innovative medical technologies and treatments for patient care
39 and shall be initially appointed for a term of 2 years.

40 (c) Six members of the board shall constitute a quorum, and the affirmative vote of 6
41 members of the board shall be necessary and sufficient for any action taken by the board. No
42 vacancy in the membership of the board shall impair the right of a quorum to exercise all the
43 rights and duties of the commission. Members shall serve without pay, but shall be reimbursed
44 for actual expenses necessarily incurred in the performance of their duties. Each member shall
45 make full disclosure, under subsection (d), of his financial interest, if any, in matters before the
46 board by notifying the state ethics commission, in writing, and shall abstain from voting on any
47 matter before the board in which he has a financial interest, unless otherwise permissible under
48 chapter 268A.

49 (d)Chapters 268A and 268B shall apply to all ex-officio members or their designees and
50 employees of the commission. Said chapters 268A and 268B shall apply to all other members of
51 the commission, except that the commission may purchase from, sell to, borrow from, loan to,
52 contract with or otherwise deal with any person in which any member of the commission is in
53 any way interested or involved; provided, however, that such interest or involvement is disclosed
54 in advance to the members of the board and recorded in the minutes of the board; and provided,
55 further, that no member having such an interest or involvement may participate in any decision
56 of the board relating to such person. Employment by the commonwealth or service in any agency
57 thereof shall not be deemed to be such an interest or involvement.

58 (e) Any action of the commission may take effect immediately and need not be published
59 or posted unless otherwise provided by law. Meetings of the commission shall be subject to
60 sections 18 to 25, inclusive, of chapter 30A; provided however that said sections shall not apply
61 to any meeting of members of the commission serving ex officio in the exercise of their duties as
62 officers of the commonwealth if no matters relating to the official business of the commission

63 are discussed and decided at the meeting. The commission shall be subject to all other provisions
64 of said chapter 30A, and records pertaining to the administration of the commission shall be
65 subject to section 42 of chapter 30 and section 10 of chapter 66. All moneys of the commission
66 shall be considered to be public funds for purposes of chapter 12A. Except as otherwise provided
67 in this section, the operations of the commission shall be subject to chapter 268A and chapter
68 268B.

69 The commission shall not be required to obtain the approval of any other officer or
70 employee of any executive agency in connection with the collection or analysis of any
71 information; nor shall the commission be required, prior to publication, to obtain the approval of
72 any other officer or employee of any executive agency with respect to the substance of any
73 reports which the commission has prepared under this chapter.

74 (f) The board shall appoint an executive director by a majority vote. The executive
75 director shall supervise the administrative affairs and general management and operations of the
76 commission and also serve as secretary of the commission, ex officio. The executive director
77 shall receive a salary commensurate with the duties of the office. The executive director may
78 appoint other officers and employees of the commission necessary to the functioning of the
79 commission.

80 The executive director shall not be required to obtain the approval of any other executive
81 agency in connection with appointment of employees. Sections 9A, 45, 46 and 46C of chapter
82 30, chapter 31 and chapter 150E shall not apply to the executive director of the commission.
83 Sections 45, 46 and 46C of chapter 30 shall not apply to any employee of the commission. The
84 executive director may establish personnel regulations for the officers and employees of the
85 commission.

86 The executive director shall file an annual personnel report not later than the first
87 Wednesday in February with the senate and house committees on ways and means containing the
88 job classifications, duties and salary of each officer and employee within the center together with
89 personnel regulations applicable to said officers and employees. The executive director shall file
90 amendments to such report with the senate and house committees on ways and means whenever
91 any changes become effective.

92 The executive director shall, with the approval of the board:

93 (i) plan, direct, coordinate and execute administrative functions in conformity with the
94 policies and directives of the board;

95 (ii) employ professional and clerical staff as necessary;

96 (iii) report to the board on all operations under their control and supervision;

97 (iv) prepare an annual budget and manage the administrative expenses of the
98 commission; and

99 (v) undertake any other activities necessary to implement the powers and duties under
100 this chapter.

101 The board may approve the use of funds from the Healthcare Payment Reform Fund to
102 support the annual budget of the commission, in addition to funds from any other source and any
103 funds appropriated therefore by the general court. The commission shall not be required to obtain
104 the approval of any other executive agency in connection with the development and
105 administration of its annual budget.

106 (g) Chapter 268A shall apply to all board members, except that the commission may
107 purchase from, sell to, borrow from, contract with or otherwise deal with any organization in
108 which any board member is in anyway interested or involved; provided, however, that such
109 interest or involvement shall be disclosed in advance to the board and recorded in the minutes of
110 the proceedings of the board; and provided further, that no member shall be deemed to have
111 violated section 4 of said chapter 268A because of such member's receipt of such member's
112 usual and regular compensation from such member's employer during the time in which the
113 member participates in the activities of the board.

114 (h) The executive director shall appoint and may remove such agents and subordinate
115 officers as the executive director may consider necessary and may establish such subdivisions
116 within the commission as the executive director considers appropriate to fulfill the purposes
117 under this chapter,.

118 The commission shall adopt and amend rules and regulations, under chapter 30A, for the
119 administration of its duties and powers and to effectuate this chapter.