HOUSE DOCKET, NO. 1690 FILED ON: 1/17/2013

HOUSE . . . . . No. 939

The Commonwealth of Massachusetts

PRESENTED BY:

Kay Khan

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 consumer choice of nurse midwifery services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kay Khan	*11th Middlesex*
Denise Andrews	*2nd Franklin*
Jennifer E. Benson	*37th Middlesex*
William N. Brownsberger	*Second Suffolk and Middlesex*
Marcos A. Devers	*16th Essex*
Stephen L. DiNatale	*3rd Worcester*
Sean Garballey	*23rd Middlesex*
Anne M. Gobi	*5th Worcester*
Jonathan Hecht	*29th Middlesex*
Peter V. Kocot	*1st Hampshire*
Elizabeth A. Malia	*11th Suffolk*
Anthony W. Petruccelli	*First Suffolk and Middlesex*
Richard J. Ross	*Norfolk, Bristol and Middlesex*
Carl M. Sciortino, Jr.	*34th Middlesex*
Frank I. Smizik	*15th Norfolk*
Benjamin Swan	*11th Hampden*
Timothy J. Toomey, Jr.	*26th Middlesex*

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HOUSE . . . . . No. 939

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 939) of Kay Khan and others relative to requiring insurance carriers to recognize nurse midwives as participating providers. Financial Services.

The Commonwealth of Massachusetts

An Act relative to consumer choice of nurse midwifery services.

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

The General Laws are hereby amended by inserting after chapter 176 S the following:-

Section 1. As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:

"Carrier", an insurer licensed or otherwise authorized to transact accident or health insurance under chapter 175; a nonprofit hospital service corporation organized under chapter 176A; a nonprofit medical service corporation organized under chapter 176B; a health maintenance organization organized under chapter 176G; an organization entering into a preferred provider arrangement under chapter 176I; a contributory group general or blanket insurance for persons in the service of the commonwealth under chapter 32A; a contributory group general or blanket insurance for persons in the service of counties, cities, towns and districts, and their dependents under chapter 32B; the medical assistance program administered by the division of medical assistance pursuant to chapter 118E and in accordance with Title XIX of the Social Security Act or any successor statute; and any other medical assistance program operated by a governmental unit for persons categorically eligible for such program.

"Commissioner", the commissioner of insurance.

"Insured", an enrollee, covered person, insured, member, policyholder or subscriber of a carrier.

"Nondiscriminatory basis", a carrier shall be deemed to be providing coverage on a non-discriminatory basis if its plan does not contain any annual or lifetime dollar or unit of service limitation imposed on coverage for the care provided by a nurse midwife which is less than any annual or lifetime dollar or unit of service limitation imposed on coverage for the same services by other participating providers.

23 “Nurse Midwife”, a registered nurse who holds authorization in advanced nursing
24 practice as a certified nurse midwife under section 80B of chapter 112 and regulations
25 promulgated there under.

26 “Participating provider”, a provider who, under the terms and conditions of a contract
27 with the carrier or with its contractor or subcontractor, has agreed to provide health care services
28 to an insured with an expectation of receiving payment, other than coinsurance, co-payments or
29 deductibles, directly or indirectly from the carrier.

30 “Primary care provider”, a health care professional qualified to provide general medical
31 care for common health care problems, who supervises, coordinates, prescribes, or otherwise
32 provides or proposes health care services, initiates referrals for specialist care, and maintains
33 continuity of care within the scope of practice.

34 Section 2. The commissioner and the group insurance commission shall require that all
35 carriers recognize nurse midwives as participating providers subject to section 3 and shall
36 include coverage on a nondiscriminatory basis to their insurers for care provided by nurse
37 midwives for the purposes of health maintenance, diagnosis and treatment. Such coverage shall
38 include benefits for primary care, intermediate care and inpatient care, including care provided in
39 a hospital, clinic, professional office, home care setting, long-term care setting, mental health or
40 substance abuse program, or any other setting when rendered by a nurse midwife who is a
41 participating provider and is practicing within the scope of his professional license to the extent
42 that such policy or contract currently provides benefits for identical services rendered by a
43 provider of health care licensed by the commonwealth.

44 Section 3. A participating provider nurse midwife practicing within the scope of his
45 license under section 80C of chapter 112, shall be considered qualified within the carrier’s
46 definition of primary care provider to an insured.

47 Section 4. Notwithstanding any general or special law to the contrary, a carrier that
48 requires the designation of a primary care provider shall provide its insured with an opportunity
49 to select a participating provider nurse midwife as a primary care provider or to change its
50 primary care provider to a participating provider nurse midwife at any time during their coverage
51 period.

52 Section 5. Notwithstanding any general or special law to the contrary, a carrier shall
53 ensure that all participating provider nurse midwives are included on any publicly accessible list
54 of participating providers for the carrier.

55 Section 6. A complaint for noncompliance against a carrier shall be filed with and
56 investigated by the commissioner or the group insurance commission, whichever shall have
57 regulatory authority over the carrier. The commissioner and the group insurance commission
58 shall promulgate regulations to enforce this chapter.