

SENATE No. 488

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Rodrigues

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 establishing a consumer bill of rights in tiered and reduced network health plans.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>

SENATE No. 488

By Mr. Rodrigues, a petition (accompanied by bill, Senate, No. 488) of Michael J. Rodrigues, John F. Keenan, Kenneth J. Donnelly, Kay Khan and other members of the General Court for legislation to establish a consumer bill of rights in tiered and reduced network health plans. Financial Services.

The Commonwealth of Massachusetts

An Act establishing a consumer bill of rights in tiered and reduced network health plans.

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

1 SECTION 1. Subsection (b) of section 11 of chapter 176J of the General Laws is hereby
2 amended by striking out the second sentence and inserting in place thereof the following
3 sentences:— The commissioner shall determine by regulation standard tiering criteria to be used
4 by all carriers based on health outcomes, quality performance as measured by the standard
5 quality measure set and by cost performance as measured by health status adjusted total medical
6 expenses and relative prices. The criteria shall require that all providers of the same type who are
7 participants in a particular Accountable Care Organization or Patient Centered Medical Home, as
8 defined in section 1 of chapter 6D, shall be classified in the same tier.

9 SECTION 2. Section 11 of chapter 176J of the General Laws is hereby amended by
10 striking out subsection (c) and inserting in place thereof the following subsection:—

11 (c) The commissioner shall promulgate by regulation uniform criteria for determining
12 network adequacy for a tiered network plan based on the availability of sufficient network
13 providers in the carrier’s overall network of providers, including standards for adequate
14 geographic proximity of providers to members, taking into account distance, travel time and
15 availability of public transportation. In determining network adequacy, the commissioner shall
16 require that carriers classify providers into tiers so that every member enrolled in a plan has
17 reasonable access to at least one provider in the lowest cost-sharing tier for every covered
18 service.

19 SECTION 3. Section 11 of chapter 176J of the General Laws is hereby amended by
20 striking out subsection (f) and inserting in place thereof the following subsection:—

21 (f) Carriers may: (i) reclassify provider tiers; and (ii) determine provider participation in
22 selective and tiered plans no more than once per calendar year except that carriers may reclassify

23 providers from a higher cost tier to a lower cost tier or add providers to a selective network at
24 any time. If the carrier reclassifies provider tiers or providers participating in a selective plan
25 during the course of an account year, the carrier shall provide affected members of the account
26 with information regarding the plan changes at least 30 days before the changes take effect. If a
27 member is in a course of treatment with a mental health provider who is reclassified to a higher
28 cost tier, the member shall be permitted to remain with the provider with cost sharing at the
29 previous lower cost tier for one year following the reclassification. Carriers shall provide
30 information understandable to an average consumer on their websites and through a toll-free
31 telephone number that includes an option of talking to a live person about any tiered or selective
32 network plan, including but not limited to, a searchable list of the providers participating in the
33 plan, the selection criteria for those providers and where applicable, the tier in which each
34 provider is classified. The information shall clearly distinguish among different facilities of a
35 provider if those facilities are in different tiers or are excluded from a selective plan. All
36 promotional materials for tiered and selective plans must include a readily understandable
37 general explanation of the cost sharing and tiering elements of the plan, and a prominent notice
38 of the web site and toll-free telephone number where a consumer may find more information
39 about the cost sharing and tiering elements. The commissioner shall monitor the web sites and
40 telephone response services for completeness, accuracy and understandability. The
41 commissioner may conduct consumer surveys and focus groups reviewing carrier tiered and
42 selective network plan web sites and telephone response services, and shall issue guidelines for
43 best practices.