

**SENATE . . . . . No. 638**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Paul R. Feeney***

*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 adoption of the accompanying bill:

**An Act limiting out of pocket health expenses.**

PETITION OF:

| NAME:                     | DISTRICT/ADDRESS:                                 |                  |
|---------------------------|---|------------------|
| <i>Paul R. Feeney</i>     | <i>Bristol and Norfolk</i>                        |                  |
| <i>Michael J. Barrett</i> | <i>Third Middlesex</i>                            | <i>1/31/2023</i> |
| <i>Paul W. Mark</i>       | <i>Berkshire, Hampden, Franklin and Hampshire</i> | <i>2/8/2023</i>  |
| <i>Walter F. Timilty</i>  | <i>Norfolk, Plymouth and Bristol</i>              | <i>2/8/2023</i>  |
| <i>Marc R. Pacheco</i>    | <i>Third Bristol and Plymouth</i>                 | <i>2/10/2023</i> |
| <i>James B. Eldridge</i>  | <i>Middlesex and Worcester</i>                    | <i>2/13/2023</i> |
| <i>Rebecca L. Rausch</i>  | <i>Norfolk, Worcester and Middlesex</i>           | <i>7/10/2023</i> |

**SENATE . . . . . No. 638**

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By Mr. Feeney, a petition (accompanied by bill, Senate, No. 638) of Paul R. Feeney, Michael J. Barrett, Paul W. Mark, Walter F. Timilty and other members of the Senate for legislation to limit out of pocket health expenses. Financial Services.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 666 OF 2021-2022.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

An Act limiting out of pocket health expenses.

*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. Section 6 of chapter 32A of the General Laws is hereby amended by  
2 inserting after the fourth sentence thereof the following new sentence:-

3 For active and retired employees, their dependents and the survivors of deceased  
4 employees, including municipal subscribers, the maximum amount of deductibles and  
5 copayments for covered services during an enrollment year in a plan shall not exceed \$2,500 for  
6 individual coverage and \$5,000 for family coverage.

7 SECTION 2. Subsection (b) Section 22 of Chapter 32B is hereby amended by striking the  
8 first paragraph and inserting the following new paragraph:-

9 (b) An appropriate public authority may increase the dollar amounts for copayments,  
10 deductibles, tiered provider network copayments and other cost-sharing plan design features;  
11 provided that, for subscribers enrolled in a non-Medicare plan, such features do not exceed plan  
12 design features offered by the commission pursuant to section 4 or 4A of chapter 32A in a non-  
13 Medicare plan with the largest subscriber enrollment and, for subscribers enrolled in a Medicare  
14 plan under section 18A, such features do not exceed plan design features offered by the  
15 commission pursuant to section 4 or 4A of chapter 32A in a Medicare plan with the largest  
16 subscriber enrollment; provided that for active and retired employees, their dependents and the  
17 survivors of deceased employees the maximum amount of health insurance deductibles and  
18 copayments for covered services during an enrollment year in a plan shall not exceed those  
19 offered by the commission; provided, however, that the public authority need only satisfy the  
20 requirements of subsection (a) of section 21 the first time changes are implemented pursuant to  
21 this section; and provided, further that the public authority meet its obligations under subsections  
22 (b) to (h), inclusive, of section 21 each time an increase to a plan design feature is proposed.

23 SECTION 3. Section 9 of Chapter 32A is hereby amended by inserting after the word  
24 “credits,” in line 2, the following words:-

25 “or excess premium payments made by the Commonwealth and or employees,”

26 SECTION 4. Section 9 of Chapter 32A is hereby amended by inserting the following new  
27 paragraph and the end thereof:-

28 Any and all excess premium payments made by the Commonwealth and or its employees,  
29 shall remain in the trust fund, to be utilized for the purposes of paying the out of pocket costs in  
30 excess of the limitations established in Section 6, or reducing the employees share of the annual

31 premium in the event of a deficiency. Premium payments pursuant to this section shall include  
32 sums appropriated by the General Court or paid by the insured for self-insured products offered  
33 by the group insurance commission.