HOUSE . . . . . No. 3917

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act relative to payment for use 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:

SECTION XX. 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 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 emergency ambulance service rendered to an insured if the
40 insurer makes payment for the emergency ambulance service to the insured. An ambulance
41 service provider shall have a right of action against an insurer that fails to make a payment to it
42 pursuant to this subsection.

43 (c) Payment to an ambulance service provider under subsection (b) shall be at a
44 rate equal to the rate established by the municipality where the patient was transported from.

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

51 (e) No term or provision of this section 3C shall be construed as limiting or
52 adversely affecting an insured's right to receive benefits under any insurance policy or insurance
53 contract providing insurance coverage for ambulance services. No term or provision of this
54 section 3C shall create an entitlement on behalf of an insured to coverage for ambulance services
55 if the insured's insurance policy or insurance contract provides no coverage for ambulance
56 services".

57 The provisions of this statute shall expire on January 1, 2014.