

SENATE No. 632

The Commonwealth of Massachusetts

PRESENTED BY:

Michael F. Rush

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 relative to the Health Policy Commission.

PETITION OF:

NAME:

Michael F. Rush

DISTRICT/ADDRESS:

Norfolk and Suffolk

SENATE No. 632

By Mr. Rush, a petition (accompanied by bill, Senate, No. 632) of Michael F. Rush for legislation relative to the Health Policy Commission. Health Care Financing.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

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:

1 SECTION 1. Chapter 6D of the General Laws is hereby amended by striking out
2 subsection (f) of section 13 as amended by chapter 60 of the acts of 2013 and inserting in place
3 thereof the following subsection:-

4 (f) Within 30 days after issuance of a preliminary report, the provider or provider
5 organization may respond in writing to the findings in the report. The commission shall then
6 issue its final report. The commission shall issue its final report on the cost and market impact
7 review within 185 days from the date that the provider or provider organization has submitted
8 notice to the commission; provided that the provider or provider organization has certified
9 substantial compliance with the commission's requests for data and information pursuant to
10 subsection (c) within 21 days of the commission's notice, or by a later date set by mutual
11 agreement of the provider or provider organization and the commission.

12 SECTION 2. Section 13 of chapter 6D of the General Laws, as appearing in the 2012
13 Official Edition, is hereby amended by striking out subsection (g) and inserting in place thereof
14 the following subsection:-

15 (g) If the commission finds that the transaction will neither have an adverse impact on
16 competition nor on the commonwealth's ability to meet the health care expenditure target, the
17 commission shall approve the material change and the provider or provider organization may
18 complete the proposed transaction or other material change. If the commission in its final report
19 finds that a material change meets all 3 criteria in subsection (e) and that completion of the
20 transaction would have a significant adverse impact on the commonwealth's ability to meet the
21 health care cost control benchmark or the have an adverse impact on the marketplace or
22 competition, the commission shall issue a written order prohibiting the completion of the
23 transaction. The provider or provider organization shall have sixty (60) days after the issuance
24 of the order to request an adjudicatory hearing by the commission pursuant to chapter 30A. If
25 the order is upheld after such hearing, the provider or provider organization may seek judicial
26 review in accordance with chapter 30A. The commission may obtain equitable relief to enjoin or
27 reform a transaction completed in violation of an order issued under this subsection.