

**HOUSE . . . . . No. 2165**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act Relative to patient Safety and Health Care ..

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

1 Chapter 111: Section 70G. Reduction of Duplicate Diagnostic Services

2 Section 70G. Each hospital in the Commonwealth shall file with the department, within  
3 thirty (30) days of the start of the hospital fiscal year, a written plan designed to eliminate the  
4 duplication of unnecessary diagnostic services performed on a patient by another hospital or  
5 diagnostic facility when there is knowledge of a prior test. The plan shall include the following:

6 Current procedures for sending and receiving diagnostic, imaging and other test results  
7 from or to another hospital or provider of care;

8 A defined procedure for determining whether any such test results can be appropriately  
9 used in the patient’s treatment;

10 A plan to improve the hospital’s ability to send and receive such test results from or to  
11 other providers of care.

12 The Department shall notify the hospital that the plan has been approved or disapproved  
13 within thirty (30) days after filing, based on a determination as to whether the plan adequately

14 addresses the issues of patient safety and costs of duplicating diagnostic tests. If such plan has  
15 not been acted upon by the department within thirty (30) days, the plan shall be deemed  
16 approved. If the department disapproves of such plan, the hospital shall submit a revised plan  
17 within thirty (30) days. If the revised plan continues to be disapproved, or if a hospital fails to  
18 submit a plan, the commissioner may issue an order that such a plan be submitted immediately.  
19 If such an order is issued, health insurance carriers may deny payment for any duplicate services  
20 furnished unless the hospital can establish that the duplicate service was medically necessary and  
21 appropriate. In the event that a carrier denies payment for duplicate services, the hospital may  
22 not bill the insured for those services.