

**SENATE . . . . . No. 457**

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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 insurer responsibility for health care services..

*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 24B of chapter 175 of the General Laws, as appearing in the 2006  
2 official edition, is hereby amended by inserting after the first paragraph the following paragraph:

3 The commissioner shall also require health care insurers, including any self-insured  
4 sickness, health, or welfare plan under this section, to recover all payments due from patients for  
5 covered services. For purposes of this section, payments due from patients for covered services  
6 include deductibles and co-insurance, and shall further be attributed to each patient on an annual  
7 basis or for the period of the patient’s period of coverage. Said health care insurers shall include  
8 payments due from patients for covered health care services in their payments to providers;  
9 provided however, that such payment shall not be delayed based on a delay in recovering the  
10 payment due from the patient. Nothing in this section shall prohibit providers and insurers from  
11 mutually agreeing to alternative billing and payment processes when it has been determined that  
12 the patient has or can obtain secondary insurance coverage for the services provided.

13 SECTION 2: The Commissioner of Insurance shall promulgate regulations to enforce the  
14 provisions of this Act no later than 90 days after the effective date of the Act. Such regulations

- 15 shall be effective for provider contracts and an enrollees' policies which are entered into,
- 16 renewed, or amended on or after the regulations effective date.