

HOUSE No. 970

The Commonwealth of Massachusetts

PRESENTED BY:

Kathi-Anne Reinstein

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 ambulance services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kathi-Anne Reinstein</i>	<i>16th Suffolk</i>	<i>1/18/2013</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	
<i>Michael D. Brady</i>	<i>9th Plymouth</i>	
<i>Marcos A. Devers</i>	<i>16th Essex</i>	
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	
<i>Aaron Vega</i>	<i>5th Hampden</i>	
<i>Gale D. Candaras</i>	<i>First Hampden and Hampshire</i>	

HOUSE No. 970

By Ms. Reinstein of Revere, a petition (accompanied by bill, House, No. 970) of Kathi-Anne Reinstein and others relative to insurance coverage for ambulance services. Financial Services.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to 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:

1 SECTION XX. Chapter 176D of the General Laws is hereby amended by inserting after
2 section 3B the following section:-

3 Section 3C. (a) As used in this section, the following words shall, unless the context
4 clearly requires otherwise, have the following meanings:-

5 “Ambulance service provider”, a person or entity licensed by the department of public
6 health under section 6 of chapter 111C to establish or maintain an ambulance service.

7 “Emergency ambulance services”, emergency services that an ambulance service
8 provider is authorized to render under its ambulance service license when a condition or situation
9 in which an individual has a need for immediate medical attention, or where the potential for
10 such need is perceived by the individual, a bystander or an emergency medical services provider.

11 “Insurance policy” and “insurance contract”, a contract of insurance, motor vehicle
12 insurance, indemnity, medical or hospital service, dental or optometric, suretyship or annuity
13 issued, proposed for issuance or intended for issuance by any insurer.

14 “Insured”, an individual entitled to ambulance services benefits under an insurance policy
15 or insurance contract.

16 “Insurer”, a person as defined in section 1 of chapter 176D; any health maintenance
17 organization as defined in section 1 of chapter 176G; a non-profit hospital service corporation
18 organized under chapter 176A; any organization as defined in section 1 of chapter 176I that
19 participates in a preferred provider arrangement also as defined in said section 1 of said chapter
20 176I; any carrier offering a small group health insurance plan under chapter 176J; any company

21 as defined in section 1 chapter 175; any employee benefit trust; any self-insurance plan, and any
22 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 lower of the ambulance service provider's usual and customary charge for the
45 ambulance service rendered to the insured, or the rate established by the municipality where the
46 patient was transported from.

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

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