

HOUSE No. 4277

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, May 11, 2016.

The committee on Health Care Financing to whom was referred the petition (accompanied by bill, House, No. 3678) of Ronald Mariano, Maura Healey (Attorney General) and others that the Health Policy Commission be authorized to make factual findings and issue a preliminary report on the cost and market impact review, reports recommending that the accompanying bill (House, No. 4277) ought to pass.

For the committee,

JEFFREY SÁNCHEZ.

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

An Act relative to protecting health care consumers.

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 13 of chapter 6D of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by striking out subsections (g) and (h) and inserting in place
3 thereof the following 2 subsections:-

4 (g) Nothing in this section shall prohibit a proposed material change under subsection (a);
5 provided, however, that (i) any proposed material change shall not be completed until at least 30
6 days after the commission has issued its final report, and (ii) if attorney general brings an action
7 as described in subsection (h), any proposed material change shall not be completed while such
8 action is pending and prior to a final judgment being issued by a court of competent jurisdiction.

9 (h) Any provider or provider organization that meets the criteria in subsection (e) has
10 engaged, or through a material change will engage, in an unfair method of competition or unfair
11 and deceptive trade practice subject to challenge under section 4, but not sections 9 or 11, of
12 chapter 93A. The attorney general may take action under chapter 93A or any other law to
13 protect consumers in the health care market, including by bringing an action seeking to restrain

14 such violation of chapter 93A. The commission's final report may be evidence in any such action
15 brought by the attorney general. When the commission, under subsection (f), refers a report on a
16 provider or provider organization to the attorney general, the report shall create a rebuttable
17 presumption that the facts and conclusions stated therein are true.

18 SECTION 2. Section 11N of chapter 12 of the General Laws, as appearing in the 2014
19 Official Edition, is hereby amended by striking out subsection (b) and inserting in place thereof
20 the following subsection:-

21 (b) The attorney general may, upon a referral by the health policy commission under
22 section 13 of chapter 6D, bring any appropriate action, including for injunctive relief, as may be
23 necessary under chapter 93A or any other law to restrain unfair methods of competition or unfair
24 and deceptive trade practices by a provider or provider organization. The attorney general may
25 take action under chapter 93A or any other law to protect consumers in the health care market.