

HOUSE No. 813

The Commonwealth of Massachusetts

PRESENTED BY:

James M. Cantwell

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 payment for use of ambulance services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Donald R. Berthiaume, Jr.</i>	<i>5th Worcester</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Leah Cole</i>	<i>12th Essex</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>
<i>Viriato M. deMacedo</i>	<i>Plymouth and Barnstable</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>

<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Peter J. Durant</i>	<i>6th Worcester</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>John V. Fernandes</i>	<i>10th Worcester</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Christopher M. Markey</i>	<i>9th Bristol</i>
<i>Joseph W. McGonagle, Jr.</i>	<i>28th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>

<i>Theodore C. Speliotis</i>	<i>13th Essex</i>
<i>James E. Tamily</i>	<i>Bristol and Norfolk</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>

HOUSE No. 813

By Mr. Cantwell of Marshfield, a petition (accompanied by bill, House, No. 813) of James M. Cantwell and others relative to insurance payments for use of ambulance services. Financial Services.

The Commonwealth of Massachusetts

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

An Act relative to payment for use of 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 rate equal
44 to the rate established by the municipality from where the patient was transported.

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

51 (e) No term or provision of this section 3C shall be construed as limiting or adversely
52 affecting an insured's right to receive benefits under any insurance policy or insurance contract
53 providing insurance coverage for ambulance services. No term or provision of this section 3C

54 shall create an entitlement on behalf of an insured to coverage for ambulance services if the
55 insured's insurance policy or insurance contract provides no coverage for ambulance services".