

HOUSE No. 963

The Commonwealth of Massachusetts

PRESENTED BY:

James Arciero

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 promoting accountable care.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>1/16/2015</i>
<i>Daniel F. Cahill</i>	<i>Edwards Wildman Public Policy Group LLC 111 Huntington Avenue Boston, MA 02199</i>	<i>1/15/2015</i>

HOUSE No. 963

By Mr. Arciero of Westford, a petition (accompanied by bill, House, No. 963) of James Arciero and Daniel F. Cahill relative to the determination of need for health provider organizations participating in an accountable care organization. Health Care Financing.

The Commonwealth of Massachusetts

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

An Act promoting accountable 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 SECTION 1. Section 25C of chapter 111 as appearing in the 2012 Official Edition of the
2 General Laws is hereby amended by inserting the following subsection:-

3 (o) any provider organization licensed pursuant to this chapter, which: (i) participates in
4 the Medicare Pioneer Accountable Care Organization, ACO as defined by Section 1 of chapter
5 6D program, or in the Medicare Shared Savings Plan ACO, or (ii) has entered into an ACO
6 arrangement with MassHealth, so-called; or (iii) receives a material share of its revenue from
7 carriers through contracts that contain substantial downside risk, shall be permitted to increase its
8 outpatient surgery capacity without the need for Determination of Need approval, provided, that
9 either (1) such increase is limited to the main campus of such provider’s hospital, or (2) such
10 increase is located at a site within 10 miles of the main campus of such provider’s hospital, The
11 department shall review such outpatient surgery increase in the context of an integrated model of
12 care and shall not prohibit such increase unless such proposal is deemed to have an excessive

- 13 cost impact on the commonwealth's total medical expense and the state's ability to meet the
- 14 health care cost growth benchmark pursuant to Chapter 6D of the General Laws.