

# SENATE . . . . . No. 632

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## The Commonwealth of Massachusetts

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PRESENTED BY:

***Michael F. Rush***

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*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 the Health Policy Commission.**

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PETITION OF:

NAME:

*Michael F. Rush*

DISTRICT/ADDRESS:

*Norfolk and Suffolk*

# SENATE . . . . . No. 632

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By Mr. Rush, a petition (accompanied by bill, Senate, No. 632) of Michael F. Rush for legislation relative to the Health Policy Commission. Health Care Financing.

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## The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
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An Act relative to the Health Policy Commission.

*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. Chapter 6D of the General Laws is hereby amended by striking out  
2   subsection (f) of section 13 as amended by chapter 60 of the acts of 2013 and inserting in place  
3   thereof the following subsection:-

4           (f) Within 30 days after issuance of a preliminary report, the provider or provider  
5   organization may respond in writing to the findings in the report. The commission shall then  
6   issue its final report. The commission shall issue its final report on the cost and market impact  
7   review within 185 days from the date that the provider or provider organization has submitted  
8   notice to the commission; provided that the provider or provider organization has certified  
9   substantial compliance with the commission's requests for data and information pursuant to  
10   subsection (c) within 21 days of the commission's notice, or by a later date set by mutual  
11   agreement of the provider or provider organization and the commission.

SECTION 2. Section 13 of chapter 6D of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by striking out subsection (g) and inserting in place thereof the following subsection:-

(g) If the commission finds that the transaction will neither have an adverse impact on competition nor on the commonwealth's ability to meet the health care expenditure target, the commission shall approve the material change and the provider or provider organization may complete the proposed transaction or other material change. If the commission in its final report finds that a material change meets all 3 criteria in subsection (e) and that completion of the transaction would have a significant adverse impact on the commonwealth's ability to meet the health care cost control benchmark or the have an adverse impact on the marketplace or competition, the commission shall issue a written order prohibiting the completion of the transaction. The provider or provider organization shall have sixty (60) days after the issuance of the order to request an adjudicatory hearing by the commission pursuant to chapter 30A. If the order is upheld after such hearing, the provider or provider organization may seek judicial review in accordance with chapter 30A. The commission may obtain equitable relief to enjoin or reform a transaction completed in violation of an order issued under this subsection.