

# HOUSE . . . . . No. 1197

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## The Commonwealth of Massachusetts

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PRESENTED BY:

*Paul W. Mark*

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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 transparent hospital billing and licensure.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul W. Mark</i>	<i>2nd Berkshire</i>	<i>1/19/2017</i>

# HOUSE . . . . . No. 1197

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By Mr. Mark of Peru, a petition (accompanied by bill, House, No. 1197) of Paul W. Mark relative to requiring that health care facilities, ambulatory surgical centers and outpatient facilities bill all public and private payers for services using their assigned national provider identification number. Public Health.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2018 OF 2015-2016.]

## The Commonwealth of Massachusetts

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In the One Hundred and Ninetieth General Court  
(2017-2018)

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An Act relative to transparent hospital billing and licensure.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

- 1        Chapter 111 is hereby amended by inserting the following new section: Section 51 ½.
- 2        Hospital Billing and Licensure. As used in this section the following terms shall have the
- 3        following meanings: “Facility of Primary Licensure” means the single physical structure and
- 4        location where the majority of the hospital’s licensed beds are located. (a) Every acute-care
- 5        hospital that provides any services at a location other than its “Facility of Primary Licensure” is
- 6        prohibited from operating a Secondary Facility pursuant to the original license of the Facility of
- 7        Primary Licensure and is hereby required to obtain from the Department a new license for that
- 8        location if the facility constitutes a Secondary Facility. A facility constitutes a Secondary Facility
- 9        if: a. The facility is physically located a distance greater than 500 yards, or b. The facility
- 10       requires or maintains separate heating, cooling, electric, sewer systems from the Facility of

11 Primary Licensure. (b) The licensed Secondary Facility shall obtain from the federal Centers for  
12 Medicare and Medicaid Services a separate National Provider Identification Number. (c) Every  
13 health care facility, ambulatory surgical center, or outpatient facility shall bill all public and  
14 private payors for services using the National Provider Identification Number assigned to the  
15 specific facility and physical locations where the services were provided. (d) No public or private  
16 payor shall be required to pay a claim billed by a health care facility, ambulatory surgical center,  
17 or outpatient facility not billed in accordance with this section. (e) Subject to any agreement  
18 between the parties, a Secondary facility shall bill a carrier for services at a rate negotiated by the  
19 parties separately from the rates for the Facility of Primary Licensure or in the absence of an  
20 agreement, 110% of Medicare. (f) Notwithstanding the provisions of this chapter the Department  
21 shall not grant a license to any Secondary Facility unless there is a determination by the  
22 department that there is a need for such a facility pursuant to Section 25C. Secondary Facilities  
23 in operation as of the effective date of this section shall be exempt from the Department's  
24 determination of need requirements. (g) The Department along with the Office of the Attorney  
25 General shall have the authority to enforce the requirements of this section.