

# SENATE . . . . . No. 2523

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninetieth General Court  
(2017-2018)  
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SENATE, Monday, May 14, 2018

The committee on Financial Services, to whom was referred the petition (accompanied by bill, Senate, No. 528) of Jennifer L. Flanagan, Jay R. Kaufman, Marjorie C. Decker, Patricia D. Jehlen and other members of the General Court for legislation to increase consumer transparency about insurance provider networks,- reports the accompanying bill (Senate, No. 2523).

For the committee,  
James B. Eldridge

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## The Commonwealth of Massachusetts

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

An Act to increase consumer transparency about insurance provider networks.

*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 176O of the General Laws is hereby amended by inserting after  
2 section 27 the following sections:-

3 Section 28. (a) A carrier shall ensure the accuracy of the information concerning each  
4 provider listed in the carrier's provider directories for each network plan and shall review and  
5 update the entire provider directory for each network plan. In making the directory available  
6 electronically in a searchable format, the carrier shall ensure that the general public is able to  
7 view all of the current health care providers for a network plan through a clearly identifiable link  
8 or tab and without creating or accessing an account, entering a policy or contract number,  
9 providing other identifying information, or demonstrating coverage or an interest in obtaining  
10 coverage with the network plan. Thereafter, the carrier shall update each online network plan  
11 provider directory at least monthly, or more frequently, if required by state or federal law or  
12 regulations promulgated by the commissioner pursuant to Section 29(j), when informed of and  
13 upon confirmation by the plan of any of the following:

14 (1) A contracting provider is no longer accepting new patients for that network plan, or  
15 an individual provider within a provider group is no longer accepting new patients.

16 (2) A provider or provider group is no longer under contract for a particular network plan.

17 (3) A provider's practice location or other information required under this section has  
18 changed.

19 (4) Upon completion of the investigation described in paragraph (a)(4), a change is  
20 necessary based on an enrollee complaint that a provider was not accepting new patients, was  
21 otherwise not available, or whose contact information was listed incorrectly.

22 (5) A provider has retired or otherwise has ceased to practice.

23 (6) Any other information that affects the content or accuracy of the provider directory or  
24 directories.

25 (b) A provider directory shall not list or include information on a provider that is not  
26 currently under contract with the network plan.

27 (c) A carrier shall periodically audit its provider directories for accuracy and retain  
28 documentation of such an audit to be made available to the commissioner upon request.

29 (d) A carrier shall provide a print copy, or a print copy of the requested directory  
30 information, of a current provider directory upon request of an insured or a prospective insured.  
31 The printed copy of the provider directory or directories shall be provided to the requester by  
32 mail postmarked no later than five business days following the date of the request and may be  
33 limited to the geographic region in which the requester resides or works or intends to reside or  
34 work.

35 (e) The carrier shall include in both its electronic and print directories a dedicated  
36 customer service email address and telephone number or electronic link that insureds, providers  
37 and the general public may use to notify the carrier of inaccurate provider directory information.  
38 This information shall be disclosed prominently in the directory or directories and on the  
39 carrier's web site. The carrier shall be required to investigate reports of inaccuracies within 30  
40 days of notice and modify the directories in accordance with any findings within 30 days of such  
41 findings.

42 (f) The provider directory or directories shall inform enrollees and potential enrollees that  
43 they are entitled to: (A) language interpreter services, at no cost to the enrollee; and (B) full and  
44 equal access to covered services as required under the federal Americans with Disabilities Act of  
45 1990 and Section 504 of the Rehabilitation Act of 1973. A provider directory, whether in  
46 electronic or print format, shall accommodate the communication needs of individuals with  
47 disabilities, and include a link to or information regarding available assistance for persons with  
48 limited English proficiency, including how to obtain interpretation and translation services.

49 (g) The carrier shall include a disclosure in the print directory that the information  
50 included in the directory is accurate as of the date of printing and that insureds or prospective  
51 insureds should consult the carrier's electronic provider directory on its website or call a  
52 specified customer service telephone number to obtain the most current provider directory  
53 information.

54 (h) The carrier shall update its printed provider directory or directories at least annually,  
55 or more frequently, if required by federal law or regulations promulgated by the commissioner.

56 Section 29. (a) The division shall establish a task force to develop recommendations to  
57 ensure the current and accurate electronic posting of carrier provider directories in a searchable  
58 format for each of the carriers' network plans available for viewing by the general public.

59 (b) The task force shall consist of the commissioner of insurance or a designee, who shall  
60 serve as chair, and 12 members: one of whom shall be a representative of the Massachusetts  
61 Association of Health Plans, one of whom shall be a representative of Blue Cross Blue Shield  
62 MA, one of whom shall be a representative of the Massachusetts Health and Hospital  
63 Association, one of whom shall be a representative of the Massachusetts Medical Society, one of  
64 whom shall be a representative of Healthcare Administrative Solutions, Inc., one of whom shall  
65 be a representative of the Children's Mental Health Campaign, one of whom shall be a  
66 representative of the Massachusetts Association for Mental Health, and five members chosen by  
67 the commissioner: one of whom shall have expertise in the treatment of individuals with  
68 substance use disorder, , one of whom shall have expertise in the treatment of individuals with a  
69 mental illness, one of whom shall be from a health consumer advocacy organization, one of  
70 whom shall be a consumer representative, and one of whom shall be a representative from an  
71 employer group. The task force shall have the ability to form workgroups to develop the  
72 recommendations defined in subsection (a).

73 (c) The recommendations shall include measures for ensuring the accuracy of  
74 information concerning each provider listed in the carrier's provider directories for each network  
75 plan. The task force shall develop recommendations that establish substantially similar processes  
76 and time frames for health care providers included in a carrier's network to provide information  
77 to the carrier, and substantially similar processes and timeframes for carriers to include such  
78 information in their provider directories, regarding the following:

79 (1) when a contracting provider is no longer accepting new patients for that network plan  
80 and when a contracting provider is resuming acceptance of new patients, or an individual  
81 provider within a provider group is no longer accepting new patients and when an individual  
82 provider within a provider group is resuming acceptance of new patients;

83 (2) when a provider who is not accepting new patients is contacted by an enrollee or  
84 potential enrollee seeking to become a new patient, the provider may direct the enrollee or  
85 potential enrollee to the carrier for additional assistance in finding a provider and shall inform  
86 the carrier immediately if they have not done so already that the provider is not accepting new  
87 patients;

88 (3) when a provider is no longer under contract for a particular network plan;

89 (4) when a provider's practice location or other information required under this section  
90 has changed;

91 (5) for health care professionals: (i) name; (ii) contact information; (iii) gender; (iv)  
92 participating office location(s); (v) specialty, if applicable; (vi) clinical and developmental areas  
93 of expertise; (vii) populations of interest; (viii) licensure and board certification(s); (ix) medical  
94 group affiliations, if applicable; (x) facility affiliations, if applicable; (xi) participating facility  
95 affiliations, if applicable; (xii) languages spoken other than English, if applicable; (xiii) whether  
96 accepting new patients; and (xiv) information on access for people with disabilities, including  
97 but not limited to structural accessibility and presence of accessible examination and diagnostic  
98 equipment;

99 (6) for hospitals: (i) hospital name; (ii) hospital type; (iii) participating hospital location  
100 and telephone number; (iv) hospital accreditation status; (7) for facilities, other than hospitals, by

101 type: (i) facility name; (ii) facility type; (iii) types of services performed; (iv) participating  
102 facility location(s) and telephone number; and

103 (7) Any other information that affects the content or accuracy of the provider directory or  
104 directories.

105 (d) The task force shall develop recommendations for carriers to include information in  
106 the provider directory that identifies the tier level for each specific provider, hospital or other  
107 type of facility in the network, when applicable.

108 (e) The task force shall develop recommendations for carriers to include in the provider  
109 directories substantially similar language to assist insureds with understanding and searching for  
110 behavioral health specialty providers.

111 (f) The task force shall consider the feasibility of carriers making updates to each online  
112 network plan provider directory in real time when health care providers included in a carrier's  
113 network provide information to the carrier pursuant to subsection (c).

114 (g) The task force shall consider measures to address circumstances when an insured  
115 reasonably relies upon materially inaccurate information contained in a carrier's provider  
116 directory.

117 (h) The task force shall develop recommendations for measures carriers shall take to  
118 ensure the accuracy of the information concerning each provider listed in the carrier's provider  
119 directories for each network plan based on the information provided to the carriers by network  
120 providers, as described in paragraph (c), including but not limited to periodic testing to ensure

121 that the public interface of the directories accurately reflects the provider network, as required by  
122 state and federal laws and regulations.

123 (i) The task force shall recommend appropriate timelines for completion of its  
124 recommendations.

125 (j) The commissioner shall file the task force's recommendations, including any proposed  
126 regulations, with the joint committee on health care financing not later than November 15, 2018.

127 (k) The commissioner shall promulgate regulations pursuant to section 28 and the  
128 recommendations of the task force no later than three months following the commissioner's  
129 filing under subsection (j).

130 (l) The commissioner shall conduct quarterly implementation progress reports, which  
131 shall be available to the public, commencing on January 1, 2019 and continuing until the task  
132 force recommendations under subsection (j) are fully implemented.

133 SECTION 2. Carriers shall ensure the accuracy of the information pursuant to the  
134 regulations issued by the commissioner of insurance pursuant to section 29 of chapter 176O of  
135 the general laws for each network plan no later than January 1, 2020.