

HOUSE No. 1177

The Commonwealth of Massachusetts

PRESENTED BY:

Ronald Mariano

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 protecting health care consumers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Ronald Mariano</i>	<i>3rd Norfolk</i>	<i>1/18/2019</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/1/2019</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>2/1/2019</i>

HOUSE No. 1177

By Mr. Mariano of Quincy, a petition (accompanied by bill, House, No. 1177) of Ronald Mariano, Carmine Lawrence Gentile and Linda Dean Campbell relative to operations or governance structure changes of healthcare service providers or provider organizations and the review of such changes by the Attorney General. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2218 OF 2017-2018.]

The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-First General Court
(2019-2020)**
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An Act relative to protecting health care consumers.

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 13 of chapter 6D of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out subsections (g) and (h) and inserting in place
3 thereof the following 2 subsections:-

4 (g) Nothing in this section shall prohibit a proposed material change under subsection (a);
5 provided, however, that (i) any proposed material change shall not be completed until at least 30
6 days after the commission has issued its final report, and (ii) if attorney general brings an action
7 as described in subsection (h), any proposed material change shall not be completed while such
8 action is pending and prior to a final judgment being issued by a court of competent jurisdiction.

9 (h) Any provider or provider organization that meets the criteria in subsection (e) has
10 engaged, or through a material change will engage, in an unfair method of competition or unfair
11 and deceptive trade practice subject to challenge under section 4, but not sections 9 or 11, of
12 chapter 93A. The attorney general may take action under chapter 93A or any other law to
13 protect consumers in the health care market, including by bringing an action seeking to restrain
14 such violation of chapter 93A. The commission's final report may be evidence in any such action
15 brought by the attorney general. When the commission, under subsection (f), refers a report on a
16 provider or provider organization to the attorney general, the report shall create a rebuttable
17 presumption that the facts and conclusions stated therein are true.

18 SECTION 2. Section 11N of chapter 12 of the General Laws, as appearing in the 2014
19 Official Edition, is hereby amended by striking out subsection (b) and inserting in place thereof
20 the following subsection:-

21 (b) The attorney general may, upon a referral by the health policy commission under
22 section 13 of chapter 6D, bring any appropriate action, including for injunctive relief, as may be
23 necessary under chapter 93A or any other law to restrain unfair methods of competition or unfair
24 and deceptive trade practices by a provider or provider organization. The attorney general may
25 take action under chapter 93A or any other law to protect consumers in the health care market.