HOUSE DOCKET, NO. 107 FILED ON: 1/7/2019

HOUSE . . . . . No. 1158

The Commonwealth of Massachusetts

PRESENTED BY:

Patricia A. Haddad

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 Health Policy Commission reviews of scope of practice proposals.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Patricia A. Haddad	*5th Bristol*	*1/7/2019*
Tricia Farley-Bouvier	*3rd Berkshire*	*1/23/2019*
Denise C. Garlick	*13th Norfolk*	*1/31/2019*
James K. Hawkins	*2nd Bristol*	*2/2/2019*
Daniel J. Hunt	*13th Suffolk*	*1/29/2019*
Randy Hunt	*5th Barnstable*	*1/23/2019*
Sarah K. Peake	*4th Barnstable*	*1/29/2019*

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By Mrs. Haddad of Somerset, a petition (accompanied by bill, House, No. 1158) of Patricia A. Haddad and others relative to Health Policy Commission reviews of scope of practice proposals. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *608* OF 2017-2018.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act relative to Health Policy Commission reviews of scope of practice proposals.

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

SECTION 1: Chapter 3 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after section 38C the following section:-

Section 38D: (a) For the purposes of this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Commission", the health policy commission.

"Committee", the joint committee on health care financing of the general court.

"Health care provider", a physician or other health care practitioner licensed, accredited, certified, educated or trained to perform specified health services consistent with the law.

9 “Scope of practice proposal”, any general or special legislation or unfiled proposal that
10 would change the authority of a health care provider to provide certain health services, including
11 but not limited to changes to the definition of the scope of practice of a licensed health care
12 provider under chapter 112 or chapter 94C.

13 (b) Upon request of the committee, the commission shall conduct a review and evaluation
14 of a scope of practice proposal as designated by the committee, and issue a report, including
15 recommendations, to the committee and to the clerks of the senate and house of representatives
16 within 180 calendar days of receiving the request for review and evaluation; provided, however,
17 that the commission shall not be required to conduct more than 1 review and evaluation of a
18 scope of practice proposal every 180 calendar days; provided, further, that the commission shall
19 opine in its report whether the legislature should vote to enact the scope of practice proposal as
20 submitted to it by the committee, or as amended by the commission.

21 Proposals recommended for enactment by the commission shall be referred to the
22 committee which shall have 14 calendar days to report on the proposal. If the committee reports
23 favorably on the proposal, the proposal shall be placed on the appropriate calendar of the day. If
24 the committee has not reported such proposal, or an identical proposal, within 15 calendar days
25 of receiving the proposal from the commission, the committee shall be discharged from further
26 consideration of such proposal, and such proposal shall be placed on the appropriate calendar of
27 the day.

28 On or after the third day after the date on which the committee to which such a proposal
29 is referred has reported, or has been discharged from further consideration of, such a proposal, it
30 is in order (even though a previous motion to the same effect has been disagreed to) for any

member of the house or senate to call for the previous question on the main question of the proposal (but only on the day after the calendar day on which such member announces to the house of representatives or senate respectively concerned the member's intention to do so). All points of order against the proposal (and against consideration of the proposal) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the proposal is agreed to, the house or senate respectively concerned shall immediately proceed to consideration of the proposal without intervening motion, order, or other business, and the proposal shall remain the unfinished business of the house of representatives or senate until disposed of.

Debate on the proposal, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 5 hours, which shall be divided equally between those favoring and those opposing the proposal. An amendment to the proposal is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the proposal is not in order. A motion to reconsider the vote by which the proposal is agreed to or disagreed to is not in order.

Immediately following the conclusion of the debate on a proposal described herein and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the house of representatives or senate, the vote on final passage of the proposal shall occur.

52 Appeals from the decisions of the chair relating to the application of the rules of the
53 house of representatives or senate, as the case may be, to the procedure relating to a proposal
54 described herein shall be decided without debate.

55 If, before the passage by either house of the general court of a proposal described herein,
56 that house receives from the other house a proposal described herein, then the following
57 procedures shall apply: (1) the proposal of the other house shall not be referred to a committee
58 and may not be considered in the house receiving it except in the case of final passage as
59 provided herein and (2) the procedures described herein shall govern.

60 This legislation is enacted by the general court (1) as an exercise of the rulemaking power
61 of the house of representatives and senate, respectively, and as such it is deemed a part of the
62 rules of each house, respectively, but applicable only with respect to the procedure to be
63 followed in that house in the case of a proposal described herein, and it supersedes other rules
64 only to the extent that it is inconsistent with such rules; and (2) with full recognition of the
65 constitutional right of either house to change the rules (so far as relating to the procedure of that
66 house) at any time, in the same manner, and to the same extent as in the case of any other rule of
67 that house.

68 (c) When reporting on scope of practice proposals referred to the committee, the
69 committee may include the review and evaluation conducted by the commission pursuant to this
70 section.

71 (d) Upon receipt of such request, the commission shall notify the public of the impending
72 review and evaluation by posting the scope of practice proposal on its website within 5 business
73 days of receiving the request.

74 (e) The commission's review and evaluation shall be based on available evidence and
75 information including the impact of the scope of practice proposal on the safety, efficacy, access
76 and cost of the health care services provided by the health care provider, including, but not
77 limited to, the following factors:

78 (1) cost effectiveness of adopting the proposed scope of practice;

79 (2) potential increase or decrease in health care access;

80 (3) evidence of the safety and efficacy of health care services provided by health care
81 providers in states with the same or similar scope of practice to that proposed, including
82 examination of medical malpractice claims and insurance payouts from other states if available;

83 (4) availability of applicable education and training programs;

84 (5) availability of sufficiently trained providers to deliver the subject health care services;

85 (6) existence or necessity of appropriate safeguards in other statutes and the scope of
86 practice proposal;

87 (7) feasibility of developing a consistent and thorough regulatory framework, if no
88 existing framework exists; and

89 (8) the scope of practice of the subject health care providers in other states.

90 (f) The commission shall hold a public hearing in connection with its review and
91 evaluation of the scope of practice proposal and accept written testimony submitted by interested
92 parties. The commission may take any written or oral testimony into consideration when
93 conducting the review and evaluation.

94 (g) The commission may consult with the Center for Health Information and Analysis as

95 necessary.

96 (h) This act shall take effect upon passage.