

SENATE No. 1537

The Commonwealth of Massachusetts

PRESENTED BY:

Cindy F. Friedman

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 reforming the group insurance commission.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>1/24/2019</i>
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	<i>1/24/2019</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/25/2019</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>1/25/2019</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>1/25/2019</i>
<i>James T. Welch</i>	<i>Hampden</i>	<i>1/25/2019</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>1/28/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/28/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/28/2019</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>1/29/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/29/2019</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>1/29/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/29/2019</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/29/2019</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>1/29/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/30/2019</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>1/30/2019</i>

<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/30/2019</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>1/31/2019</i>
<i>Daniel J. Hunt</i>	<i>13th Suffolk</i>	<i>1/31/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>1/31/2019</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/31/2019</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>1/31/2019</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>1/31/2019</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>1/31/2019</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/31/2019</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/1/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/1/2019</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/1/2019</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/1/2019</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>2/1/2019</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>2/1/2019</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/6/2019</i>

SENATE No. 1537

By Ms. Friedman, a petition (accompanied by bill, Senate, No. 1537) of Cindy F. Friedman, Diana DiZoglio, Joseph A. Boncore, Angelo J. Puppolo, Jr. and other members of the General Court for legislation to reform the group insurance commission. Public Service.

The Commonwealth of Massachusetts

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

An Act reforming the group insurance 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. Section 3 of chapter 32A of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out the first sentence and inserting in place
3 thereof the following sentence:- There shall be established within the executive office of
4 administration and finance, but not under its jurisdiction, a special unpaid commission, to be
5 known as the group insurance commission, consisting of the commissioner of administration and
6 finance, the commissioner of insurance, and 15 members, 1 of whom shall be appointed by the
7 president of the Retired State, County, & Municipal Employees Association of Massachusetts, 1
8 of whom shall be a health economist appointed by the governor, 1 of whom shall have
9 substantial experience in health care delivery, including behavioral health, in the commonwealth,
10 appointed by the governor, 1 of whom shall have substantial experience in health care
11 administration appointed by the governor, 1 of whom shall have substantial experience in
12 employee benefits administration appointed by the governor, 1 of whom shall have substantial
13 experience with and knowledge of health insurance plans appointed by the governor, at least 3 of

14 whom shall be full-time state employees, 1 shall be appointed by the president of the
15 Massachusetts Public Employees Council, #93, AFSCME, Massachusetts State Labor Council,
16 AFL-CIO, 1 shall be appointed by the president of the Massachusetts State Employees
17 Association, NAGE, and 1 shall be appointed by the president of the Local 5000, S.E.I.U., 1 of
18 whom shall be appointed by the president of the Service Employees International Union, Local
19 509, 1 of whom shall be appointed by the president of the Massachusetts Organization of State
20 Engineers and Scientists, 1 of whom shall be a management representative appointed by the
21 governor from a list of 3 representatives nominated by the Massachusetts Municipal Association
22 and 1 of whom shall be the president of the teachers' union with the greatest amount of active
23 and retired members enrolled in commission health plans.

24 SECTION 2. Said section 3 of said chapter 32A, as so appearing, is hereby amended by
25 striking out, in lines 23 and 24, the words “appointed by the governor from a list of 3
26 representatives”.

27 SECTION 3. Said section 3 of said chapter 32A, as so appearing, is hereby amended by
28 striking out, in line 24, the word “nominated” and inserting in place thereof the following word:-
29 designated.

30 SECTION 4. Said section 3 of said chapter 32A, as so appearing, is hereby further
31 amended by striking out the fourth, fifth and sixth sentences and inserting in place thereof the
32 following sentences:-

33 No member appointed shall be an insurance agent, broker, employee or officer of an
34 insurance company that currently does business with or has done business with the
35 commonwealth in the past 3 years. Upon the expiration of the term of office of an appointive

36 member, his successor shall be appointed in like manner for a term of 3 years. If there is an
37 appointive member vacancy, either expected or unexpected, the applicable person or
38 organization with appointment authority under this section shall appoint a replacement for the
39 vacant position not more than 90 days after the vacancy. If the appointive member vacancy is for
40 the management representative under this section, the governor shall appoint a replacement for
41 the vacant position not more than 90 days after receiving a list of nominated representatives from
42 the applicable organization. If an appointive member vacancy is not filled within 90 days of a
43 vacancy, the executive director of the commission shall appoint a replacement pursuant to the
44 requirements of this section.

45 SECTION 5. Said chapter 32A is hereby further amended by adding the following
46 section:-

47 Section 4B. (a) Prior to any vote by the commission on matters that substantially alter the
48 insurance coverage or health plans offered under this chapter, including, but not limited to, any
49 changes in the identity or number of health plans offered or any changes in the existing plan
50 design of any health plan, including changes to member cost-sharing or changes to covered
51 medical, behavioral health or pharmacy benefits, the executive director of the commission shall
52 provide to the members of the commission all relevant information necessary to make an
53 informed decision on the vote. The information shall be provided to the members of the
54 commission at a commission meeting prior to the meeting at which the vote is scheduled, but in
55 no event shall such information be provided less than 14 days in advance of the vote.

56 (b) On any matter subject to the requirements of subsection (a), the commission shall
57 hold at least 4 public hearings across the commonwealth prior to the vote.

58 SECTION 6. Notwithstanding any general or special law to the contrary, the group
59 insurance commission shall consult with stakeholders to review and evaluate: (i) the impacts of
60 existing public procurement laws; (ii) public record and open meeting laws; and (iii) regulations
61 on the group insurance commission’s deliberative process.

62 At minimum, the group insurance commission shall consult with: (i) the secretary of
63 administration and finance; (ii) the attorney general; (iii) the commissioner of insurance; (iv) the
64 operational services division of the executive office for administration and finance; and (v) the
65 inspector general.

66 The group insurance commission shall provide a report on: (i) any anticipated updates to
67 commission procedures related to state procurement and open meeting laws resulting from its
68 consultation with stakeholders; (ii) any anticipated regulatory changes the commission plans to
69 take based on its consultation with stake holders on its deliberative process; (iii) the
70 recommended notice period the commission will provide to members prior to a vote that would
71 substantially alter the insurance coverage or health plans offered under this chapter including, but
72 not limited to, any changes in the identity or number of health plans offered, existing plan design
73 of any health plan, member cost-sharing or covered medical, behavioral health or pharmacy
74 benefits; and (iv) any recommended statutory changes needed to meet these goals.

75 The group insurance commission shall submit its findings and recommendations, together
76 with drafts of legislation necessary to carry those recommendations into effect, to the clerks of
77 the senate and the house of representatives, and the joint committee on public service not later
78 than October 1, 2019.

79 SECTION 7. Notwithstanding any general or special law to the contrary, beginning on
80 January 1, 2021: (i) upon the first vacancy or expiration of the term of office of a “public
81 member” of the group insurance commission established by section 3 of chapter 32A of the
82 General Laws, the governor shall appoint a successor who shall have substantial experience in
83 behavioral health care delivery in the commonwealth; (ii) upon the second vacancy or expiration
84 of the term of office of such a “public member”, the governor shall appoint a successor who shall
85 have substantial experience in health care administration; (iii) upon the third vacancy or
86 expiration of the term of office of such a “public member”, the governor shall appoint a
87 successor who shall have substantial experience in employee benefits administration; and (iv)
88 upon the fourth vacancy or expiration of the term of office of such a “public member”, the
89 governor shall appoint a successor who shall have substantial experience with and knowledge of
90 health insurance plans. Notwithstanding the foregoing, if an appointee under this section is also a
91 vacancy under this section, the governor shall appoint a successor who has the substantial
92 experience of the member creating the vacancy.