

SENATE No. 708

The Commonwealth of Massachusetts

PRESENTED BY:

Mark C. Montigny

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 to save lives by preventing unscrupulous medical referral restrictions by profit-driven health care networks.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/8/2021</i>

SENATE No. 708

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 708) of Mark C. Montigny and Michael O. Moore for legislation to prohibit unscrupulous medical referral restrictions. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 622 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to save lives by preventing unscrupulous medical referral restrictions by profit-driven health care 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. Section 11 of chapter 6D of the General Laws, as so appearing in the 2020
2 Official Edition, is hereby amended by inserting after subsection (e) the following subsection:-

3 (f) The commission may suspend, revoke, or refuse to renew a provider organization’s
4 registration upon a violation of section 187 of chapter 149 or subsection (a) of section 16 of
5 chapter 176O.

6 SECTION 2. Subsection (b) of section 187 of chapter 149 of the General Laws, as so
7 appearing, is hereby amended by inserting after clause (4) the following clause:-

8 (5) refers a patient to an outside, non-affiliated health care facility or provider if: (i) the
9 outside, non-affiliated health care facility or provider is that other than the health care provider's
10 facility or place of employment and (ii) the health care provider reasonably believes said referral
11 is in the best interest of the patient or at the direct request of the patient.

12 SECTION 3. Section 16 of chapter 176O of the General Laws, as so appearing, is hereby
13 amended by striking the last sentence in subsection (a) and inserting in place thereof the
14 following:-

15 Nothing in this section shall be construed as altering, affecting or modifying either the
16 obligations of any third party or the terms and conditions of any agreement or contract between
17 either the treating physician or the insured and any third party, except for any obligation,
18 agreement or contract between a physician and a third party that unduly restricts an insured from
19 receiving medically necessary services ordered by a treating physician, primary care provider, or
20 other health care professional. No facility, health care provider, or licensed health care provider
21 group shall unduly restrict medically necessary health care services or referrals for said services
22 provided to an insured by a treating physician, primary care provider, or other health care
23 professional based solely upon a facility, provider, or provider group's network or affiliation
24 status with another facility, provider or provider group. Any attempt by a facility, health care
25 provider, or licensed health care provider group to prohibit or hinder said services or referrals
26 shall constitute an unfair method of competition and unfair or deceptive act in violation of
27 chapter 93A.