

HOUSE No. 2165

The Commonwealth of Massachusetts

PRESENTED BY:

Carole A. Fiola

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 reduce fraud in prescription drug abuse testing and help prevent substance abuse.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>1/12/2023</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>2/1/2023</i>

HOUSE No. 2165

By Representative Fiola of Fall River, a petition (accompanied by bill, House, No. 2165) of Carole A. Fiola and Paul A. Schmid, III that the Office of Medicaid be authorized to require laboratories providing toxicology testing to demonstrate functional and operational test-utilization and test-frequency control programs. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2286 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to reduce fraud in prescription drug abuse testing and help prevent substance abuse.

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 ##. Chapter 118E of the general laws is hereby amended by adding at the end
2 thereof the following new Section:

3 SECTION ##. To ensure appropriate and responsible use of drug testing, for laboratories
4 providing toxicology testing, the Office of Medicaid is authorized to require that these providers
5 demonstrate a functional and operational test-utilization and test-frequency control program that
6 will ensure compliance with MassHealth’s utilization and frequency requirements for clinical
7 drug testing.

8 Notwithstanding any general or special law to the contrary, an independent clinical
9 laboratory, licensed under the Clinical Laboratory Improvement Amendments (CLIA) by the

10 U.S. Centers for Medicare and Medicaid (CMS) that is located out-of-state and accredited by
11 both the College of American Pathologists (CAP) and the New York State Clinical Laboratory
12 Evaluation Program (CLEP), and providing and being reimbursed for managed Medicaid
13 services in Massachusetts, shall be deemed eligible and qualified to participate as a MassHealth
14 fee-for-service provider and eligible for payment for clinical toxicology testing purposes.
15 Payments made to qualified laboratories under this section will only apply when a qualified
16 laboratory provides toxicology test results to the referring health care provider within two
17 business days of receipt of the test specimen.