

# HOUSE . . . . . No. 4940

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, January 23, 2026.

The committee on Financial Services, to whom was referred the petition (accompanied by bill, House, No. 1181) of Danielle W. Gregoire that the Division of Insurance be authorized to impose an assessment to support expenses associated with the delivery of health care services, reports recommending that the accompanying bill (House, No. 4940) ought to pass.

For the committee,

JAMES M. MURPHY.

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninety-Fourth General Court  
(2025-2026)  
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An Act to redirect excessive health insurer reserves to support health care safety net programs.

*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 3. Chapter 118E of the General Laws is hereby amended by inserting the  
2 following new section:-

3           Section 87. (a) A carrier, as defined in section 1 of chapter 176O, shall pay an assessment  
4 to support expenses associated with health care costs covered by chapter 118E. Such assessment  
5 shall be based on the net worth surplus available to health insurance carriers exceeding 550% of  
6 risk-based capital in calendar year 2023 in accordance with criteria developed by the Division of  
7 Insurance, in consultation with the executive office of health and human services. The executive  
8 office shall specify by regulation the method of calculating the assessment, procedures for  
9 payment of the assessment, and requirements for submission of data by health insurers.

10           (b) The executive office shall establish by regulation the mechanism for enforcing the  
11 assessment liability under this section in the event that a carrier does not make a scheduled  
12 payment, but the division may, for the purpose of administrative simplicity, establish threshold  
13 liability amounts below which enforcement may be modified or waived. This enforcement

mechanism may include assessment of interest on the unpaid liability at a rate not to exceed an annual percentage rate of 18 per cent and late fees or penalties at a rate not to exceed 5 per cent per month.

(c) The amount of the assessment established by executive office in subsection (a) shall be sufficient, in the aggregate, to generate \$400,000,000.

(d) The executive office, in consultation with the comptroller and the secretary of administration and finance, shall transfer \$200,000,000 to the Health Safety Net Trust Fund established in section 66 of chapter 118E and \$200,000,000 to the Medicaid Stabilization Trust Fund established in section 2KKKKKK of chapter 29.

(e) Subsection (c) shall sunset on December 31, 2026.

Section 1. Chapter 29 of the General Laws is hereby amended by inserting the following new section:-

Section 2KKKKKK. (a) There shall be a Medicaid Stabilization Trust Fund which shall be a separate, nonbudgeted revenue fund to be administered by the secretary of health and human services. There shall be credited to the fund: (i) any transfers by the executive office in accordance with section 83 of chapter 118E (ii) an amount equal to any federal financial participation revenues claimed and received by the commonwealth for eligible expenditures made from the fund; (iii) any revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund; and (iv) interest earned on any money in the fund. Amounts credited to the fund shall be expended, without further appropriation, to prevent reductions in access to care for MassHealth beneficiaries and reductions in reimbursement of healthcare services reimbursed by the program.

(b) Money in the fund shall be expended for Medicaid payments under an approved state plan or federal waiver; provided, however, that all Medicaid payments from the fund shall be: (i) subject to the availability of federal financial participation; (ii) made only under federally-approved payment methods; and (iii) consistent with federal funding requirements and all applicable federal payment limits as determined by the secretary. To accommodate timing discrepancies between the receipt of revenue and related expenditures, the comptroller may certify for payment amounts not to exceed the most recent revenue estimates as certified by the secretary to be transferred, credited or deposited under this section. The secretary shall, to the maximum extent possible, administer the fund to obtain federal financial participation for the expenditures of non-federal money from the fund. Money remaining in the fund at the end of a fiscal year shall not revert to the General Fund and shall be available for expenditure in subsequent fiscal years.

Section 2. Section 66 of chapter 118E is hereby amended by adding the following words subsection (b) after “money transferred from”:- “by the executive office in accordance with section 83 of this chapter,”