HOUSE . . . . . No. 5055

Section 31 contained in the engrossed Bill making appropriations for the fiscal years 2010 and 2011 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 5028), which had been returned by His Excellency the Governor with recommendation of amendment (for message, see House, No. 5052). October 15, 2010.

The Commonwealth of Massachusetts

IN THE YEAR TWO THOUSAND AND TEN.

AN ACT RELATIVE TO REGULATING INSURANCE FOR AMBULANCE SERVICES.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to regulate forthwith ambulance services, therefore it is hereby declared to an emergency law, necessary for the immediate preservation of the public convenience.

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

SECTION 31. Chapter 176D of the General Laws is hereby amended by inserting after section 3B the following section:-

Section 3C. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Ambulance service provider", a person or entity licensed by the department of public health under section 6 of chapter 111C to establish or maintain an ambulance service.

“Ambulance services”, 1 or more of the services that an ambulance service provider may render under its ambulance service license.

“Insurance policy or contract”, a contract of insurance, motor vehicle insurance, indemnity, medical or hospital service, dental or optometric, suretyship or annuity issued, proposed for issuance or intended for issuance by any insurer.

“Insured”, an individual entitled to ambulance services benefits under an insurance policy or contract.

“Insurer”, a person as defined in section 1 of chapter 176D; any health maintenance organization as defined in section 1 of chapter 176G; a nonprofit hospital service corporation organized under chapter 176A; any organization as defined in section 1 of chapter 176I that participates in a preferred provider arrangement as defined in said section 1 of said chapter 176I; any carrier offering a small group health insurance plan under chapter 176J; any company as defined in section 1 of chapter 175; any employee benefit trust; any self-insurance plan, and any company certified under section 34A of chapter 90 and authorized to issue a policy of motor vehicle liability insurance under section 113A of chapter 175 that provides insurance for the expense of medical coverage.

(b) Notwithstanding any general or special law to the contrary, in any instance in which an ambulance service provider provides an ambulance service to an insured but is not an ambulance service provider under contract to the insurer maintaining or providing the insured’s insurance policy or contract, the insurer maintaining or providing such insurance policy or contract shall pay the ambulance service provider directly and promptly for the ambulance service rendered to the insured. Such payment shall be made to the ambulance service provider notwithstanding that the insured’s insurance policy or contract contains a prohibition against the insured assigning benefits thereunder so long as the insured executes an assignment of benefits to the ambulance service provider and such payment shall be made to the ambulance service provider in the event an insured is either incapable or unable as a practical matter to execute an assignment of benefits under an insurance policy or contract pursuant to which an assignment of benefits is not prohibited, or in connection with an insurance policy or contract that contains a prohibition against any such assignment of benefits. An ambulance service provider shall not be considered to have been paid for an ambulance service rendered to an insured if the insurer makes payment for the ambulance service to the insured. An ambulance service provider shall have a right of action against an insurer that fails to make a payment to it pursuant to this subsection.