

**HOUSE . . . . . No. 1085**

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**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 relative to ambulance service reimbursement.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>1/25/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>1/25/2021</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>1/27/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>1/28/2021</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>1/28/2021</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>2/1/2021</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>2/3/2021</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>2/3/2021</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>2/19/2021</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>2/22/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/22/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/22/2021</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>	<i>2/23/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/25/2021</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/26/2021</i>
<i>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>2/26/2021</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/26/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/26/2021</i>

<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/26/2021</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>2/26/2021</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>3/4/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>3/9/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>3/17/2021</i>

**HOUSE . . . . . No. 1085**

By Ms. Fiola of Fall River, a petition (accompanied by bill, House, No. 1085) of Carole A. Fiola and others relative to payment for ambulance services provided to certain insured individuals. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 975 OF 2019-2020.]

**The Commonwealth of Massachusetts**

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

An Act relative to ambulance service reimbursement.

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

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

5 “Ambulance service provider”, a person or entity licensed by the department of public  
6 health under section 6 of chapter 111C to establish or maintain an ambulance service except non-  
7 profit corporations licensed to operate critical care ambulance services that perform both ground  
8 and air transports.

9           “Emergency ambulance services”, emergency services that an ambulance service  
10 provider is authorized to render under its ambulance service license when a condition or situation  
11 in which an individual has a need for immediate medical attention, or where the potential for  
12 such need is perceived by the individual, a bystander or an emergency medical services provider.

13           “Insurance policy” and “insurance contract”, any policy, contract, agreement, plan or  
14 certificate of insurance issued, delivered or renewed within the commonwealth that provides  
15 coverage for expenses incurred by an insured for services rendered by an ambulance service  
16 provider.

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

19           “Insurer”, a person as defined in section 1 of chapter 176D; any health maintenance  
20 organization as defined in section 1 of chapter 176G; a non-profit hospital service corporation  
21 organized under chapter 176A; any organization as defined in section 1 of chapter 176I that  
22 participates in a preferred provider arrangement also as defined in said section 1 of said chapter  
23 176I; any carrier offering a small group health insurance plan under chapter 176J; any company  
24 as defined in section 1 chapter 175; any employee benefit trust; any self-insurance plan, and any  
25 company certified under section 34A of chapter 90 and authorized to issue a policy of motor  
26 vehicle liability insurance under section 113A of chapter 175 that provides insurance for the  
27 expense of medical coverage.

28           “Municipally Established Ambulance Rates”, rates for emergency ambulance service  
29 established annually by a municipality for the current procedure codes and definitions for

30 ambulance service published by the Centers for Medicare and Medicaid Services under Title  
31 XVIII of the Social Security Act.

32 (b) Notwithstanding any general or special provision of law to the contrary, in any  
33 instance in which an ambulance service provider provides an emergency ambulance service to an  
34 insured but is not an ambulance service provider under contract to the insurer maintaining or  
35 providing the insured's insurance policy or insurance contract, the insurer maintaining or  
36 providing such insurance policy or insurance contract shall pay the ambulance service provider  
37 directly and promptly for the emergency ambulance service rendered to the insured. Such  
38 payment shall be made to the ambulance service provider notwithstanding that the insured's  
39 insurance policy or insurance contract contains a prohibition against the insured assigning  
40 benefits thereunder so long as the insured executes an assignment of benefits to the ambulance  
41 service provider and such payment shall be made to the ambulance service provider in the event  
42 an insured is either incapable or unable as a practical matter to execute an assignment of benefits  
43 under an insurance policy or insurance contract pursuant to which an assignment of benefits is  
44 not prohibited, or in connection with an insurance policy or insurance contract that contains a  
45 prohibition against any such assignment of benefits. An ambulance service provider shall not be  
46 considered to have been paid for an emergency ambulance service rendered to an insured if the  
47 insurer makes payment for the emergency ambulance service to the insured. An ambulance  
48 service provider shall have a right of action against an insurer that fails to make a payment to it  
49 under this subsection.

50 (c) Payment to an ambulance service provider under subsection (b) shall be at a rate  
51 equal to the rate established by the municipality from which the patient was transported.

52 (d) Municipalities shall report their municipally established ambulance rates to CHIA  
53 that are in effect as of June 30, 2019; and to CHIA annually on or before June 30 to be included  
54 in the CHIA Transparency Initiative.

55 (e) Municipalities shall not increase their municipally established ambulance rates by a  
56 percentage that exceeds the current Health Care Cost Growth Benchmark set by the Health  
57 Policy Commission unless approved by the secretary of health and human services.

58 (f) An ambulance service provider receiving payment for an ambulance service in  
59 accordance with subsections (b) and (c) shall be deemed to have been paid in full for the  
60 ambulance service provided to the insured, and shall have no further right or recourse to further  
61 bill the insured for said ambulance service with the exception of coinsurance, co-payments or  
62 deductibles for which the insured is responsible under the insured's insurance policy or insurance  
63 contract.

64 (g) No term or provision of this section 3C shall be construed as limiting or adversely  
65 affecting an insured's right to receive benefits under any insurance policy or insurance contract  
66 providing insurance coverage for ambulance services. No term or provision of this section 3C  
67 shall create an entitlement on behalf of an insured to coverage for ambulance services if the  
68 insured's insurance policy or insurance contract provides no coverage for ambulance services".

69 (h) A municipality may appeal to the secretary for a municipally established ambulance  
70 rate increase that is in excess of the current Health Care Cost Benchmark. There shall be an  
71 ambulance service advisory council to advise the secretary on such requests. The council shall be  
72 appointed by the secretary and consist of the following members or a designee: (i) the secretary  
73 of public safety and security; (ii) the commissioner of the group insurance commission; (iii) a

74 representative of the Fire Chiefs Association of Massachusetts; (iv) the president of the  
75 Massachusetts Municipal Association; (v) the president of the Massachusetts Association of  
76 Health Plans, Inc.; (vi) the president of Blue Cross and Blue Shield of Massachusetts (vii) the  
77 president of the Professional Fire Fighters of Massachusetts; (viii) a representative of the  
78 Massachusetts Ambulance Association, Incorporated; and (ix) the president of a commercial  
79 insurer. The council shall make recommendations for rate increases in excess of the current  
80 Health Care Cost Benchmark that consider (A) cost differences associated with differences in  
81 geography that impact services; (B) differences in distances travelled for services; (C) the actual  
82 cost of providing services and readiness; (D) quality of care; (E) any new costs for compliance  
83 with new state or federal statutory or regulatory compliance.