

**HOUSE . . . . . No. 01180**

The Commonwealth of Massachusetts

PRESENTED BY:

*James M. Cantwell*

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 passage of the accompanying bill:

An Act relative to the use and payment of ambulance services..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>
<i>Kevin Aguiar</i>	<i>7th Bristol</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Garrett J. Bradley</i>	<i>3rd Plymouth</i>
<i>William N. Brownsberger</i>	<i>24th Middlesex</i>
<i>Angelo D'Emilia</i>	<i>8th Plymouth</i>
<i>Kimberly Ferguson</i>	<i>1st Worcester</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>John D. Keenan</i>	<i>7th Essex</i>
<i>Thomas P. Kennedy</i>	<i>Second Plymouth and Bristol</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>

<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Kevin J. Murphy</i>	<i>18th Middlesex</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>William M. Straus</i>	<i>10th Bristol</i>
<i>Daniel Winslow</i>	<i>9th Norfolk</i>

# HOUSE . . . . . No. 01180

By Mr. James M. Cantwell of Marshfield, petition (accompanied by bill, House, No. 01180) of Daniel Winslow and others relative to insurance reimbursements for emergency ambulance service. Joint Committee on Financial Services.

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the use and payment of ambulance services..

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

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

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

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

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

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

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

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

25 (b) Notwithstanding any general or special provision of law to the contrary, in any instance in  
26 which an ambulance service provider provides an emergency ambulance service to an insured  
27 but is not an ambulance service provider under contract to the insurer maintaining or providing  
28 the insured’s insurance policy or insurance contract, the insurer maintaining or providing such  
29 insurance policy or insurance contract shall pay the ambulance service provider directly and  
30 promptly for the emergency ambulance service rendered to the insured. Such payment shall be  
31 made to the ambulance service provider notwithstanding that the insured’s insurance policy or  
32 insurance contract contains a prohibition against the insured assigning benefits thereunder so

33 long as the insured executes an assignment of benefits to the ambulance service provider and  
34 such payment shall be made to the ambulance service provider in the event an insured is either  
35 incapable or unable as a practical matter to execute an assignment of benefits under an insurance  
36 policy or insurance contract pursuant to which an assignment of benefits is not prohibited, or in  
37 connection with an insurance policy or insurance contract that contains a prohibition against any  
38 such assignment of benefits. An ambulance service provider shall not be considered to have been  
39 paid for an ambulance service rendered to an insured if the insurer makes payment for the  
40 emergency ambulance service to the insured. An ambulance service provider shall have a right of  
41 action against an insurer that fails to make a payment to it pursuant to this subsection.

42 (c) Payments to an ambulance service provider under subsection (b) shall be at a rate equal to the  
43 lower of the provider's usual and customary charge for the ambulance service rendered to the  
44 insured, or 3 times the then current published rate for the ambulance service rendered to the  
45 insured as established by the Centers for Medicare and Medicaid Services under Title XVIII of  
46 the Social Security Act (Medicare).

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

52 (e) No term or provision of this section shall be construed as limiting or adversely affecting an  
53 insured's right to receive benefits under any insurance policy or insurance contract providing  
54 insurance coverage for ambulance services. No term or provision of this section shall create an

55 entitlement on behalf of an insured to coverage for ambulance services if the insured's insurance  
56 policy or insurance contract provides no coverage for ambulance services.