

HOUSE No. 1185

The Commonwealth of Massachusetts

PRESENTED BY:

David M. Nangle

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 enhancing the market review process.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

David M. Nangle

17th Middlesex

Edward J. Kennedy

First Middlesex

HOUSE No. 1185

By Mr. Nangle of Lowell, a petition (accompanied by bill, House, No. 1185) of David M. Nangle and Edward J. Kennedy for legislation to enhance the health care marketing review process. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 619 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act enhancing the market review process.

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 1. Section 13 of chapter 6D of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out subsections (g) and (h) and inserting in place
3 thereof the following 2 subsections:-

4
5 (g) Nothing in this section shall prohibit a proposed material change under subsection
6 (a); provided, however, that (i) any proposed material change shall not be completed until at least
7 30 days after the commission has issued its final report, and (ii) if the attorney general brings an
8 action as described in subsection (h), any proposed material change shall not be completed while

9 such action is pending and prior to a final judgment being issued by a court of competent
10 jurisdiction.

11

12 (h) Any provider or provider organization that meets the criteria in subsection (e) has
13 engaged, or through a material change will engage, in an unfair method of competition or unfair
14 and deceptive trade practice subject to challenge pursuant to section 4, but not sections 9 or 11,
15 of chapter 93A. The attorney general may take action under chapter 93A or any other law to
16 protect consumers in the health care market, including by bringing an action seeking to restrain
17 such violation of chapter 93A. The commission's final report may be evidence in any such action
18 brought by the attorney general. When the commission, under subsection (f), refers a report on a
19 provider or provider organization to the attorney general, the report shall create a rebuttable
20 presumption that the facts and conclusions stated therein are true.

21

22 SECTION 2. Section 11N of chapter 12 of the General Laws is hereby amended by
23 striking out subsection (b) and inserting in place thereof the following subsection:-

24

25 (b) The attorney general may, upon a referral by the health policy commission under
26 section 13 of chapter 6D, bring any appropriate action, including for injunctive relief, as may be
27 necessary under chapter 93A or any other law to restrain unfair methods of competition or unfair
28 and deceptive trade practices by a provider or provider organization. The attorney general may
29 take action under chapter 93A or any other law to protect consumers in the health care market.