

**HOUSE . . . . . No. 00284**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*John D. Keenan*

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*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 related to insurer responsibility for collecting co-insurance and deductibles.

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PETITION OF:

NAME:

*John D. Keenan*

*Jason M. Lewis*

DISTRICT/ADDRESS:

*7th Essex*

*31st Middlesex*

# HOUSE . . . . . No. 00284

By Mr. John D Keenan of Salem, petition (accompanied by bill, House, No. 00284) of Jason M. Lewis and John D Keenan relative to health insurer responsibility for collecting co-insurance and deductibles. Joint Committee on Financial Services.

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act related to insurer responsibility for collecting co-insurance and deductibles.

*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 24B of chapter 175 of the General Laws, as appearing in the 2008 Official  
2 Edition, is hereby amended by inserting after the first paragraph the following paragraph:  
3 The commissioner shall also require health care insurers, including any self-insured sickness,  
4 health, or welfare plan licensed under this chapter, to recover all co-insurance and deductible  
5 amounts due from patients for covered services as required under the insurer's health benefit  
6 plan. For purposes of this section, "co-insurance" is defined as a percentage of the allowed  
7 charge, after a co-payment, if any, that a patient will pay for covered services received under a  
8 health benefit plan. A "deductible" is defined as an annual dollar amount that must be paid by a  
9 covered person for specified health care services that a patient uses before the insurer's health  
10 benefit plan becomes obligated to pay for covered services; such deductible does not include any  
11 portion of premiums paid by a patient. Insurers shall include the co-insurance and deductible

12 amounts due from patients for covered health care services in their payments to providers;  
13 provided however, that such payment shall not be dependent on the insurer recovering the co-  
14 insurance and deductible prior to processing and paying a claim made by a healthcare provider.  
15 Nothing in this section shall prohibit providers and insurers from mutually agreeing to alternative  
16 billing and payment processes when it has been determined that the patient has secondary  
17 insurance coverage for the services provided. This paragraph shall not pertain to the collection  
18 of co-payments, which is a fixed dollar amount structured by the insurer that is paid by a patient  
19 to a healthcare provider, as defined under section 1 of chapter 111, at the time the patient  
20 receives covered services.

21 SECTION 2: The Commissioner of Insurance shall promulgate regulations to enforce the  
22 provisions of this Act no later than 90 days after the effective date of the Act. Such regulations  
23 shall be effective for provider contracts and enrollee policies which are entered into, renewed, or  
24 amended on or after the regulations effective date.