

HOUSE No. 03917

By Mr. Costello of Newburyport, for the committee on Financial Services, on House, No. 1179, a Bill relative to payment for use of ambulance services (House, No. 3917). February 2, 2012

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act relative to payment for use 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 SECTION XX. Chapter 176D of the General Laws is hereby amended by inserting after section
2 3B the following 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 emergency ambulance service rendered to an insured if the insurer makes payment
40 for the emergency ambulance service to the insured. An ambulance service provider shall have a
41 right of action against an insurer that fails to make a payment to it pursuant to this subsection.

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

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

50 (e) No term or provision of this section 3C shall be construed as limiting or adversely
51 affecting an insured's right to receive benefits under any insurance policy or insurance contract
52 providing insurance coverage for ambulance services. No term or provision of this section 3C
53 shall create an entitlement on behalf of an insured to coverage for ambulance services if the
54 insured's insurance policy or insurance contract provides no coverage for ambulance services".

55 The provisions of this statute shall expire on January 1, 2014.