

HOUSE No. 4295

The Commonwealth of Massachusetts

PRESENTED BY:

Paul J. Donato

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 to promote transparent and equitable reimbursement for services provided by Advanced Practice Registered Nurses (APRNs).

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul J. Donato</i>	<i>35th Middlesex</i>	<i>12/8/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/11/2024</i>

HOUSE No. 4295

By Representative Donato of Medford, a petition (subject to Joint Rule 12) of Paul J. Donato relative to health insurance reimbursements for services provided by advanced practice registered nurses. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act to promote transparent and equitable reimbursement for services provided by Advanced Practice Registered Nurses (APRNs).

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. Chapter 32A of the General Laws is hereby amended by adding the
2 following section:-

3 Section 33. (a) (1) Coverage offered by the commission to an active or retired employee
4 of the commonwealth insured under the commission shall not make a distinction, for the
5 purposes of participation, coverage, and payment, between physicians licensed pursuant to
6 chapter 112 and nurses authorized to practice in advanced practice nursing roles pursuant to
7 section 80B of said chapter 112, if the physician or advanced practice registered nurse is acting
8 within the scope of their practice pursuant to their licensure and certification. Nothing in this
9 subsection shall prevent the commission from establishing varying reimbursement rates based
10 on quality or performance measures as long as such measures are the same for physicians
11 licensed pursuant to chapter 112 and nurses authorized to practice in advanced practice nursing
12 roles pursuant to section 80B of said chapter 112.

13 (b) A claim submitted for payment must identify the National Provider Identifier (NPI) of
14 the physician or advanced practice registered nurse who actually provided the service. (c) (1)
15 The commission shall reimburse a contracted advanced practice registered nurse who is
16 authorized to practice in advanced practice nursing roles pursuant to section 80B of chapter 112
17 in an amount not less than the allowed amount that the commissioner would reimburse for the
18 same service if provided by a contracted provider who is a physician licensed pursuant to said
19 chapter 112.

20 (2) The commission may not reduce the reimbursement amount paid to physicians
21 licensed under chapter 112 to comply with this subsection.

22 SECTION 2. Section 6 of chapter 118E of the General Laws is hereby amended by
23 inserting after the words “board-certified physicians”, the following words:- , advanced practice
24 registered nurses,.

25 SECTION 3. Chapter 118E of the General Laws is hereby amended by adding the
26 following section:-

27 Section 83. (a) (1) The division and its contracted health insurers, health plans, health
28 maintenance organizations, behavioral health management firms and third-party administrators
29 under contract to a Medicaid-managed care organization, accountable care organization, or
30 primary care clinician plan shall not make a distinction, for the purposes of participation,
31 coverage, and payment, between physicians licensed pursuant to chapter 112 and nurses
32 authorized to practice in advanced practice nursing roles pursuant to section 80B of said chapter
33 112, if the physician or advanced practice registered nurse is acting within the scope of their
34 practice pursuant to their licensure and certification. Nothing in this subsection shall prevent the

35 commission from establishing varying reimbursement rates based on quality or performance
36 measures as long as such measures are the same for physicians licensed pursuant to chapter 112
37 and nurses authorized to practice in advanced practice nursing roles pursuant to section 80B of
38 said chapter 112.

39 (b) A claim submitted for payment must identify the National Provider Identifier (NPI) of
40 the physician or advanced practice registered nurse who actually provided the service.

41 (c) The division and its contracted entities shall: (i) reimburse a contracted advanced
42 practice registered nurse who is authorized to practice in advanced practice nursing roles
43 pursuant to section 80B of chapter 112 in an amount not less than the allowed amount that it
44 would reimburse for the same service if provided by a contracted provider who is a physician
45 licensed pursuant to said chapter 112; and (ii) not reduce the reimbursement amount paid to
46 physicians licensed under chapter 112 to comply with this subsection.

47 SECTION 4. Chapter 175 of the General Laws is hereby amended by inserting after
48 section 108N the following section:-

49 Section 108O. (a) (1) An individual policy of accident and sickness insurance issued
50 under section 108 that provides hospital expense and surgical expense insurance and any group
51 blanket or general policy of accident and sickness insurance issued under section 110 that
52 provides hospital expense and surgical expense insurance that is issued or renewed within or
53 without the commonwealth shall not make a distinction, for the purposes of participation,
54 coverage, and payment, between physicians licensed pursuant to chapter 112 and nurses
55 authorized to practice in advanced practice nursing roles pursuant to section 80B of said chapter
56 112, if the physician or advanced practice registered nurse is acting within the scope of their

57 practice pursuant to their licensure and certification. Nothing in this subsection shall prevent the
58 commission from establishing varying reimbursement rates based on quality or performance
59 measures as long as such measures are the same for physicians licensed pursuant to chapter 112
60 and nurses authorized to practice in advanced practice nursing roles pursuant to section 80B of
61 said chapter 112.

62 (b) A claim submitted for payment must identify the National Provider Identifier (NPI) of
63 the physician or advanced practice registered nurse who actually provided the service.

64 (c) An individual policy of accident and sickness insurance issued under section 108 that
65 provides hospital expense and surgical expense insurance and any group blanket or general
66 policy of accident and sickness insurance issued under section 110 that provides hospital expense
67 and surgical expense insurance that is issued or renewed within or without the commonwealth
68 shall: (i) reimburse a contracted advanced practice registered nurse who is authorized to practice
69 in advanced practice nursing roles pursuant to section 80B of chapter 112 in an amount not less
70 than the allowed amount that it would reimburse for the same service if provided by a contracted
71 provider who is a physician licensed pursuant to said chapter 112; and (ii) not reduce the
72 reimbursement amount paid to physicians licensed under chapter 112 to comply with this
73 section.

74 SECTION 5. Chapter 176A of the General Laws is hereby amended by inserting after
75 section 38 the following section:-

76 Section 39. Any contract between a subscriber and a corporation under an individual or
77 group hospital service plan delivered, issued or renewed within the commonwealth shall not
78 make a distinction, for the purposes of participation, coverage, and payment, between physicians

79 licensed pursuant to chapter 112 and nurses authorized to practice in advanced practice nursing
80 roles pursuant to section 80B of said chapter 112, if the physician or advanced practice registered
81 nurse is acting within the scope of their practice pursuant to their licensure and certification.
82 Nothing in this subsection shall prevent the commission from establishing varying
83 reimbursement rates based on quality or performance measures as long as such measures are the
84 same for physicians licensed pursuant to chapter 112 and nurses authorized to practice in
85 advanced practice nursing roles pursuant to section 80B of said chapter 112.

86 (b) A claim submitted for payment must identify the National Provider Identifier (NPI) of
87 the physician or advanced practice registered nurse who actually provided the service.

88 (c) Any contract between a subscriber and a corporation under an individual or group
89 hospital service plan delivered, issued or renewed within the commonwealth shall: (i) reimburse
90 a contracted advanced practice registered nurse who is authorized to practice in advanced
91 practice nursing roles pursuant to section 80B of chapter 112 in an amount not less than the
92 allowed amount that it would reimburse for the same service if provided by a contracted provider
93 who is a physician licensed pursuant to said chapter 112; and (ii) not reduce the reimbursement
94 amount paid to physicians licensed under chapter 112 to comply with this section.

95 SECTION 6. Section 1 of chapter 176B of the General Laws is hereby amended by
96 inserting the following definition:-

97 “Advanced Practice Registered Nurse”, A registered nurse who is authorized to practice
98 in advanced practice nursing roles pursuant to section 80B of said chapter 112. Clinical
99 categories of advanced practice registered nurses include Massachusetts Board of Registration in
100 Nursing recognized clinical categories and abbreviations, including: (1) Certified Registered

101 Nurse Anesthetist (CRNA); (2) Certified Nurse Midwife (CNM); Certified Nurse Practitioner
102 (CNP); Clinical Nurse Specialist (CNS); and Psychiatric Nurse Mental Health Clinical Specialist
103 (PNMHCS).

104 SECTION 7. Section 1 of said chapter 176B is further amended by repealing the
105 following definition:-

106 "Certified Nurse Midwife", a nurse midwife authorized to practice midwifery in the
107 commonwealth by the board of registration in nursing pursuant to section eighty B of chapter
108 one hundred and twelve.

109 SECTION 8. Section 1 of said chapter 176B is further amended by amending the
110 definition of "Medical service" as follows:-

111 "Medical service", the medical and health care services provided by registered physicians
112 and advanced practice registered nurses in accordance with their scope of practice pursuant to
113 their licensure and certification.

114 SECTION 9. Section 1 of said chapter 176B is further amended by inserting, after the
115 definition of "Nonprofit medical service plan", the following definition:-

116 "Participating Advanced Practice Registered Nurse", a registered nurse who is authorized
117 to practice in advanced practice nursing roles pursuant to section 80B of said chapter 112, and
118 who agrees in writing with a medical service corporation to perform medical services for
119 subscribers and covered dependents and to abide by the by-laws, rules and regulations of such
120 corporation.

121 SECTION 10. Section 1 of said chapter 176B is further amended by repealing the
122 following definition:-

123 "Participating nurse midwife", a certified nurse midwife who agrees in writing with a
124 medical service corporation to perform midwifery service for subscribers and covered
125 dependents and to abide by the by-laws, rules and regulations of such corporation.

126 SECTION 11. Chapter 176B of the General Laws is hereby amended by repealing the
127 following section:-Section 4G: Certified nurse midwife services benefits.

128 SECTION 12. Said chapter 176B is further amended by repealing the following section:-

129 Section 4T: Subscription certificate benefits for services rendered by a nurse anesthetist
130 or nurse practitioner.

131 SECTION 13. Said chapter 176B is further amended by adding the following section:-

132 Section 26. A contract between a subscriber and a medical service corporation shall not
133 make a distinction, for the purposes of participation, coverage, and payment, between physicians
134 licensed pursuant to chapter 112 and advanced practice registered nurses authorized to practice
135 in advanced practice nursing roles pursuant to section 80B of said chapter 112, if the physician
136 or advanced practice registered nurse is acting within the scope of their practice pursuant to their
137 licensure and certification. Nothing in this subsection shall prevent the commission from
138 establishing varying reimbursement rates based on quality or performance measures as long as
139 such measures are the same for physicians licensed pursuant to chapter 112 and nurses
140 authorized to practice in advanced practice nursing roles pursuant to section 80B of said chapter
141 112.

142 (b) A claim submitted for payment must identify the National Provider Identifier (NPI) of
143 th physician or advanced practice registered nurse who actually provided the service.

144 (c) A contract between a subscriber and a medical service corporation shall: (i) reimburse
145 a contracted advanced practice registered nurse who is authorized to practice in advanced
146 practice nursing roles pursuant to section 80B of chapter 112 in an amount not less than the
147 allowed amount that it would reimburse for the same service if provided by a contracted provider
148 who is a physician licensed pursuant to said chapter 112; and (ii) not reduce the reimbursement
149 amount paid to physicians licensed under chapter 112 to comply with this section.

150 SECTION 14. Section 1 of chapter 176G of the General Laws is hereby amended by
151 inserting the following definition:-

152 “Advanced Practice Registered Nurse”, A registered nurse who is authorized to practice
153 in advanced practice nursing roles pursuant to section 80B of said chapter 112. Clinical
154 categories of advanced practice registered nurses include Massachusetts Board of Registration in
155 Nursing recognized clinical categories and abbreviations, including: (1) Certified Registered
156 Nurse Anesthetist (CRNA); (2) Certified Nurse Midwife (CNM); Certified Nurse Practitioner
157 (CNP); Clinical Nurse Specialist (CNS); and Psychiatric Nurse Mental Health Clinical Specialist
158 (PNMHCS).

159 SECTION 15. Section 1 of said chapter 176G is further amended by inserting after the
160 word “physician”, in the definition of “Health services”, the following words:- or advanced
161 practice registered nurse.

162 SECTION 16. Section 1 of said chapter 176G is further amended by inserting after the
163 word “physician,” in the definition of “Nondiscriminatory”, the following words:- advanced
164 practice registered nurse.

165 SECTION 17. Chapter 176G of the General Laws is hereby amended by adding the
166 following section:-

167 Section 34. A contract between a member and a health maintenance organization shall
168 not make a distinction, for the purposes of participation, coverage, and payment, between
169 physicians licensed pursuant to chapter 112 and nurses authorized to practice in advanced
170 practice nursing roles pursuant to section 80B of said chapter 112, if the physician or advanced
171 practice registered nurse is acting within the scope of their practice pursuant to their licensure
172 and certification. Nothing in this subsection shall prevent the commission from establishing
173 varying reimbursement rates based on quality or performance measures as long as such measures
174 are the same for physicians licensed pursuant to chapter 112 and nurses authorized to practice in
175 advanced practice nursing roles pursuant to section 80B of said chapter 112.

176 (b) A claim submitted for payment must identify the National Provider Identifier (NPI) of
177 the physician or advanced practice registered nurse who actually provided the service.

178 (c) A contract between a member and a health maintenance organization shall: (i)
179 reimburse a contracted advanced practice registered nurse who is authorized to practice in
180 advanced practice nursing roles pursuant to section 80B of chapter 112 in an amount not less
181 than the allowed amount that it would reimburse for the same service if provided by a contracted
182 provider who is a physician licensed pursuant to said chapter 112; and (ii) not reduce the

183 reimbursement amount paid to physicians licensed under chapter 112 to comply with this
184 section.

185 SECTION 18. Chapter 176G of the General Laws is further amended by adding the
186 following section:-

187 Section 35. When a law or rule requires authorization or involvement of a physician as a
188 condition of reimbursement or coverage of health services, that requirement may be fulfilled by
189 an advanced practice registered nurse practicing under section 80B of chapter 112.

190 SECTION 19. Chapter 176I of the General Laws is hereby amended by adding the
191 following section:-

192 Section 14. A preferred provider contract between a covered person and an organization
193 shall not make a distinction, for the purposes of participation, coverage, and payment, between
194 physicians licensed pursuant to chapter 112 and nurses authorized to practice in advanced
195 practice nursing roles pursuant to section 80B of said chapter 112, if the physician or advanced
196 practice registered nurse is acting within the scope of their practice pursuant to their licensure
197 and certification. Nothing in this subsection shall prevent the commission from establishing
198 varying reimbursement rates based on quality or performance measures as long as such measures
199 are the same for physicians licensed pursuant to chapter 112 and nurses authorized to practice in
200 advanced practice nursing roles pursuant to section 80B of said chapter 112.

201 (b) A claim submitted for payment must identify the National Provider Identifier (NPI) of
202 the physician or advanced practice registered nurse who actually provided the service.

203 (c) A preferred provider arrangement between a covered person and an organization
204 shall: (i) reimburse a preferred provider advanced practice registered nurse who is authorized to
205 practice in advanced practice nursing roles pursuant to section 80B of chapter 112 in an amount
206 not less than the allowed amount that it would reimburse for the same service if provided by a
207 preferred provider who is a physician licensed pursuant to said chapter 112; and (ii) not reduce
208 the reimbursement amount paid to physicians licensed under chapter 112 to comply with this
209 section.