

**HOUSE . . . . . No. 523**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Carole A. Fiola***

*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 relative to uncollected co-pays, co-insurance and deductibles.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

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By Ms. Fiola of Fall River, a petition (accompanied by bill, House, No. 523) of Carole A. Fiola and others for legislation to require certain healthcare carriers to share accountability with providers for uncollectible patient obligations after insurance. Financial Services.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act relative to uncollected co-pays, 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. Chapter 176O of the General Laws, as appearing in the 2014 official  
2 edition, is hereby amended by adding the following new section:

3 Section 7A. Equitable Funding for Health Care Provider Bad Debt

4 (a)Notwithstanding any other provision of the general laws to the contrary, a carrier shall  
5 reimburse a health care provider no less than sixty-five percent (65%) of each co-payment, co-  
6 insurance and/or deductible amount due under an insured’s health benefit plan which are unpaid  
7 after reasonable collection efforts have been made by the health care provider pursuant to  
8 subsection (c) of this section.

9 (b)As used in this section, the following words shall have the following meanings: a “co-  
10 payment” is defined as a fixed dollar amount that is owed by an insured as required under a  
11 health benefit plan for health care services provided and billed by a healthcare provider. A “co-  
12 insurance” is defined as a percentage of the allowed amount, after a co-payment, if any, that an

13 insured must pay for covered services received under a health benefit plan for health care  
14 services provided and billed by a healthcare provider. A “deductible” is defined as a specific  
15 dollar amount that an insured must pay for covered services before the carrier’s health benefit  
16 plan becomes obligated to pay for covered health care services provided and billed by a  
17 healthcare provider; such deductible does not include any portion of premiums paid by an  
18 insured.

19 (c)Reimbursement for uncollected co-payment, co-insurance and/or deductible amounts  
20 due (each a “claim”) under an insured’s health benefit plan for covered services rendered shall be  
21 deemed an uncollectible bad debt, and a health care provider may submit a request for  
22 reimbursement to the carrier under the following conditions:

23 (1)The claim must be derived from the wholly or partially uncollected co-payment, co-  
24 insurance and/or deductible amounts under an insured’s health benefit plan;

25 (2)The reimbursement requested by the health care provider should be for a claim where  
26 the co-payment, co-insurance, or deductible amount was at least two hundred and fifty dollars  
27 (\$250), and each claim reflected a unique covered service under the health benefit plan per  
28 insured;

29 (3)The health care provider must have made reasonable collection efforts for each claim  
30 filed for reimbursement under this section, such efforts including documentation that the claim  
31 has remained partially or fully unpaid and is not subject to an on-going payment plan for more  
32 than one hundred twenty (120) days from the date the first bill was mailed, which may include  
33 such efforts as telephone calls, collection letters, or any other notification method that constitutes

34 a genuine and continuous effort to contact the member, said documentation shall include the date  
35 and method of contact;

36 (4) On or before May 1 of each year, the health care provider shall submit an aggregate  
37 request for reimbursement representing all claims that meet the criteria under this section in the  
38 prior calendar year. The request for reimbursement shall include documentation of the attempt  
39 to collect on the claim(s), the name and identification number of the insured, the date of service,  
40 the unpaid co-payment, co-insurance, or deductible, the amount that was collected, if any, and  
41 the date and general method of contact with the insured. For the purposes of this section, an  
42 insured co-payment, co-insurance, and/or deductible amount due shall be determined based on  
43 the date that the service is rendered; provided further that a carrier shall not prohibit  
44 reimbursement if the insured is no longer covered by the plan on the date that the request is  
45 made.

46 (5) Nothing in this section shall prevent the carrier from conducting an audit of the request  
47 for reimbursement of unpaid co-payment, co-insurance, and/or deductible amounts to verify that  
48 the insured was eligible for coverage at the time of service, that the service was a covered health  
49 benefit under the applicable health benefit plan, and to verify from the provider's internal log  
50 that reasonable efforts were made to contact the insured following the criteria outlined in this  
51 section. The carrier must complete any such audit of the submitted report from the health care  
52 provider and notify the health care provider of any disputes as to the request for reimbursement  
53 within one hundred and twenty (120) days of receipt of the request for reimbursement from the  
54 health care provider. The carrier shall pay the health care provider sixty-five percent (65%) of  
55 the undisputed amounts as submitted by the health care provider in the request for  
56 reimbursement in accordance with this section within 120 days of receipt of such requests from

57 the health care provider. Any dispute regarding contested claims shall be subject to a dispute  
58 resolution process applicable to the arrangement between the carrier and the health care provider;  
59 and

60 (6) Any amounts attributable to co-payment, co-insurance, or deductible amount collected  
61 by a health care provider after reimbursement has been made by the carrier pursuant to this  
62 section shall be recorded by the health care provider and reported as an offset to future  
63 submissions to such carrier.

64 (d) No carrier shall prohibit a health care provider from collecting the amount of the  
65 insured's co-payment, co-insurance, and/or deductible, if any, at the time of service.

66 SECTION 2. The division shall promulgate regulations within ninety (90) days of the  
67 effective date of this act that are consistent with the rules developed by the Centers for Medicare  
68 & Medicaid Services for reasonable collection efforts required by a health care provider prior to  
69 submission of a request of reimbursement to a carrier. Notwithstanding the foregoing, in the  
70 event that the division fails to promulgate such regulations, the provisions of section 1 shall be  
71 self-implementing, and carriers shall make applicable payments to health care providers in  
72 accordance with the provisions of section 1 utilizing the same process adopted by the Centers for  
73 Medicare & Medicaid Services' reasonable collection efforts for bad debt, as documented in the  
74 most recent Medicare Provider Reimbursement Manual, CMS Pub. 15-1 and 15-2 (HIM-15) in  
75 effect within 90 days of the effective date of this Act. The division shall further require each  
76 carrier to provide the division an annual report showing the total number and amount of  
77 uncollected co-payments, co-insurances, and deductibles that are reimbursed as well as those that  
78 are denied. The report shall be made publicly available on the division's website.