

**HOUSE . . . . . No. 863**

The Commonwealth of Massachusetts

PRESENTED BY:

*James M. Cantwell*

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 relative to payment for use of ambulance services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Cleon H. Turner</i>	<i>1st Barnstable</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Rhonda Nyman</i>	<i>5th Plymouth</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>Peter J. Durant</i>	<i>6th Worcester</i>
<i>Jason M. Lewis</i>	<i>31st Middlesex</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>

<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>William Smitty Pignatelli</i>	<i>4th Berkshire</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>
<i>Daniel A. Wolf</i>	<i>Cape and Islands</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>Viriato Manuel deMacedo</i>	<i>1st Plymouth</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Katherine M. Clark</i>	<i>Fifth Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Matthew A. Beaton</i>	<i>11th Worcester</i>
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>
<i>Gailanne M. Cariddi</i>	<i>1st Berkshire</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Nicholas A. Boldyga</i>	<i>3rd Hampden</i>
<i>John V. Fernandes</i>	<i>10th Worcester</i>
<i>John P. Fresolo</i>	<i>16th Worcester</i>
<i>James J. Lyons, Jr.</i>	<i>18th Essex</i>
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>
<i>Tom Sannicandro</i>	<i>7th Middlesex</i>
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>

<i>Anne M. Gobi</i>	<i>5th Worcester</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>
<i>Christopher M. Markey</i>	<i>9th Bristol</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>
<i>Donald H. Wong</i>	<i>9th Essex</i>
<i>Edward F. Coppinger</i>	<i>10th Suffolk</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>
<i>Donald F. Humason, Jr.</i>	<i>4th Hampden</i>
<i>Carlos Henriquez</i>	<i>5th Suffolk</i>
<i>Dennis A. Rosa</i>	<i>4th Worcester</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>
<i>Elizabeth A. Poirier</i>	<i>14th Bristol</i>
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>
<i>Bruce J. Ayers</i>	<i>1st Norfolk</i>

**HOUSE . . . . . No. 863**

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By Mr. Cantwell of Marshfield, a petition (accompanied by bill, House, No. 863) of James M. Cantwell and others relative to insurance payments for use of ambulance services. Financial Services.

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The Commonwealth of Massachusetts

—————  
In the Year Two Thousand Thirteen  
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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  
2 section 3B the following section:-

3 Section 3C. (a) As used in this section, the following words shall, unless the context  
4 clearly requires otherwise, have the following meanings:-

5 “Ambulance service provider”, a person or entity licensed by the department of public  
6 health 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  
12 insurance, indemnity, medical or hospital service, dental or optometric, suretyship or annuity  
13 issued, proposed for issuance or intended for issuance by any insurer.

14 “Insured”, an individual entitled to ambulance services benefits under an insurance policy  
15 or insurance contract.

16 “Insurer”, a person as defined in section 1 of chapter 176D; any health maintenance  
17 organization as defined in section 1 of chapter 176G; a non-profit hospital service corporation  
18 organized under chapter 176A; any organization as defined in section 1 of chapter 176I that  
19 participates in a preferred provider arrangement also as defined in said section 1 of said chapter

20 176I; any carrier offering a small group health insurance plan under chapter 176J; any company  
21 as defined in section 1 chapter 175; any employee benefit trust; any self-insurance plan, and any  
22 company certified under section 34A of chapter 90 and authorized to issue a policy of motor  
23 vehicle liability insurance under section 113A of chapter 175 that provides insurance for the  
24 expense of medical coverage.

25 (b) Notwithstanding any general or special provision of law to the contrary, in any  
26 instance in which an ambulance service provider provides an emergency ambulance service to an  
27 insured but is not an ambulance service provider under contract to the insurer maintaining or  
28 providing the insured's insurance policy or insurance contract, the insurer maintaining or  
29 providing such insurance policy or insurance contract shall pay the ambulance service provider  
30 directly and promptly for the emergency ambulance service rendered to the insured. Such  
31 payment shall be made to the ambulance service provider notwithstanding that the insured's  
32 insurance policy or insurance contract contains a prohibition against the insured assigning  
33 benefits thereunder so long as the insured executes an assignment of benefits to the ambulance  
34 service provider and such payment shall be made to the ambulance service provider in the event  
35 an insured is either incapable or unable as a practical matter to execute an assignment of benefits  
36 under an insurance policy or insurance contract pursuant to which an assignment of benefits is  
37 not prohibited, or in connection with an insurance policy or insurance contract that contains a  
38 prohibition against any such assignment of benefits. An ambulance service provider shall not be  
39 considered to have been paid for an emergency ambulance service rendered to an insured if the  
40 insurer makes payment for the emergency ambulance service to the insured. An ambulance  
41 service provider shall have a right of action against an insurer that fails to make a payment to it  
42 pursuant to this subsection.

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

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

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