

SENATE No. 02384

Senate, July 26, 2012 - Text of the Senate amendment (Senator Berry) to House bill relative to payment for use of ambulance services (House, No. 3917)

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

1 SECTION 1. 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 may render under its ambulance service license when a condition or situation in which
9 an individual has a need for immediate medical attention, or where the potential for such need is
10 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; a health maintenance
17 organization, as defined in section 1 of chapter 176G; a non-profit hospital service corporation
18 organized under chapter 176A; an organization, as defined in section 1 of chapter 176I, that
19 participates in a preferred provider arrangement, as defined in said section 1 of said chapter 176I;
20 a carrier offering a small group health insurance plan under chapter 176J; a company as defined
21 in section 1 chapter 175; an employee benefit trust; a self-insurance plan or a company certified
22 under section 34A of chapter 90 and authorized to issue a policy of motor vehicle liability
23 insurance under section 113A of chapter 175 that provides insurance for the expense of medical
24 coverage.

25 (b) Notwithstanding any general or special law to the contrary, if an ambulance service
26 provider provides an emergency ambulance service to an insured but is not an ambulance service
27 provider under contract to the insurer maintaining or providing the insured’s insurance policy or
28 insurance contract, the insurer maintaining or providing such insurance policy or insurance
29 contract shall pay the ambulance service provider directly and promptly for the emergency
30 ambulance service rendered to the insured. Such payment shall be made to the ambulance service
31 provider notwithstanding that the insured’s insurance policy or insurance contract contains a
32 prohibition against the insured assigning benefits thereunder so long as the insured executes an
33 assignment of benefits to the ambulance service provider and such payment shall be made to the
34 ambulance service provider if an insured is either incapable or unable as a practical matter to
35 execute an assignment of benefits under an insurance policy or insurance contract under which
36 an assignment of benefits is not prohibited, or in connection with an insurance policy or

37 insurance contract that contains a prohibition against any such assignment of benefits. An
38 ambulance service provider shall not be considered to have been paid for an emergency
39 ambulance service rendered to an insured if the insurer makes payment for the emergency
40 ambulance service to the insured. An ambulance service provider shall have a right of action
41 against an insurer that fails to make a payment to it under this subsection.

42 (c) Payment to an ambulance service provider under subsection (b) shall be at a rate equal
43 to the lower of the ambulance service provider's usual and customary charge for the ambulance
44 service rendered to the insured, or 3 times the then current published rate for the ambulance
45 service rendered to the insured as established by the Centers for Medicare and Medicaid Services
46 under Title XVIII of the Social Security Act (Medicare).

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

53 (e) Nothing in this section shall be construed as limiting or adversely affecting an
54 insured's right to receive benefits under any insurance policy or insurance contract providing
55 insurance coverage for emergency ambulance services. Nothing in this section shall create an
56 entitlement on behalf of an insured to coverage for emergency ambulance services if the
57 insured's insurance policy or insurance contract provides no coverage for emergency ambulance
58 services.

59 SECTION 2. Section 3C of chapter 176D of the General Laws is hereby repealed.

60 SECTION 3. Section 2 shall take effect on January 1, 2014.