

**HOUSE . . . . . No. 499**

**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 adoption of the accompanying bill:

An Act relative to payments for use of ambulance services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>James M. Cantwell</i>	<i>4th Plymouth</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>
<i>Geoff Diehl</i>	<i>7th Plymouth</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>Kenneth J. Donnelly</i>	<i>Fourth Middlesex</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Peter J. Durant</i>	<i>6th Worcester</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>

<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>
<i>Barbara A. L'Italien</i>	<i>Second Essex and Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>
<i>James M. Murphy</i>	<i>4th Norfolk</i>
<i>Shaunna L. O'Connell</i>	<i>3rd Bristol</i>
<i>Keiko M. Orrall</i>	<i>12th Bristol</i>
<i>Sarah K. Peake</i>	<i>4th Barnstable</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>
<i>John H. Rogers</i>	<i>12th Norfolk</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>
<i>Paul Tucker</i>	<i>7th Essex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>

**HOUSE . . . . . No. 499**

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By Mr. Cantwell of Marshfield, a petition (accompanied by bill, House, No. 499) 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**

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

An Act relative to payments 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 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 have the following  
4 meanings, unless the context clearly requires otherwise:-

5 “Ambulance service provider”, a person or entity licensed by the department of public  
6 health pursuant to 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 if the individual, bystander or  
10 emergency medical services provider perceives the potential for the need for immediate medical  
11 attention.

12           “Insurance policy” and “insurance contract”, any policy, contract, agreement, plan or  
13 certificate of insurance issued, delivered or renewed within the commonwealth that provides  
14 coverage for expenses incurred by an insured for transportation services rendered by an  
15 ambulance service provider.

16           “Insured”, an individual entitled to ambulance services benefits pursuant to an insurance  
17 policy or insurance contract.

18           “Insurer”, a person as defined in section 1 of chapter 176D; any health maintenance  
19 organization as defined in section 1 of chapter 176G; a non-profit hospital service corporation  
20 organized under chapter 176A; any organization as defined in section 1 of chapter 176I that  
21 participates in a preferred provider arrangement also as defined in said section 1 of said chapter  
22 176I; any carrier offering a small group health insurance plan under chapter 176J; any company  
23 as defined in section 1 chapter 175; any employee benefit trust; any self-insurance plan, and any  
24 company certified under section 34A of chapter 90 and authorized to issue a policy of motor  
25 vehicle liability insurance under section 113A of chapter 175 that provides insurance for the  
26 expense of medical coverage.

27           (b) In any instance in which an ambulance service provider provides an emergency  
28 ambulance service to an insured, but is not an ambulance service provider under contract to the  
29 insurer maintaining or providing the insured’s insurance policy or insurance contract, the insurer  
30 maintaining or providing such insurance policy or insurance contract shall pay the ambulance  
31 service provider directly and promptly for the emergency ambulance service rendered to the  
32 insured. Such payment shall be made to the ambulance service provider notwithstanding that the  
33 insureds insurance policy or insurance contract contains a prohibition against the insured

34 assigning benefits thereunder so long as the insured executes an assignment of benefits to the  
35 ambulance service provider and such payment shall be made to the ambulance service provider  
36 in the event an insured is either incapable or unable as a practical matter to execute an  
37 assignment of benefits under an insurance policy or insurance contract pursuant to which an  
38 assignment of benefits is not prohibited, or in connection with an insurance policy or insurance  
39 contract that contains a prohibition against any such assignment of benefits. An ambulance  
40 service provider shall not be considered to have been paid for an emergency ambulance service  
41 rendered to an insured if the insurer makes payment for the emergency ambulance service to the  
42 insured. An ambulance service provider shall have a right of action against an insurer that fails to  
43 make a payment to it pursuant to this subsection.

44 (c) With the exception of non-profit corporations licensed to operate critical care  
45 ambulance services that perform both ground and air transports, payment to an ambulance  
46 service provider under subsection (b) shall be at a rate equal to the rate established by the  
47 municipality from where the patient was transported.

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

54 (e) No term or provision of this section 3C shall be construed as limiting or adversely  
55 affecting an insureds right to receive benefits under any insurance policy or insurance contract

56 providing insurance coverage for ambulance services. No term or provision of this section 3C  
57 shall create an entitlement on behalf of an insured to coverage for ambulance services if the  
58 insureds insurance policy or insurance contract provides no coverage for ambulance services.