

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Thomas A. Golden, Jr.**

*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 reimbursement for non-network ambulance service.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas A. Golden, Jr.	16th Middlesex
David M. Nangle	17th Middlesex
Kevin J. Murphy	18th Middlesex

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
\_\_\_\_\_

## AN ACT RELATIVE TO REIMBURSEMENT FOR NON-NETWORK AMBULANCE SERVICE.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 AN ACT RELATIVE TO REIMBURSEMENT FOR NON\_NETWORK AMBULANCE SERVICE

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3 *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the*  
4 *authority of the same, as follows:*

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6 SECTION 1. Chapter 176D of the General Laws, as appearing in the 2004 Official Edition, is hereby  
7 amended by inserting after Section 3B the following new section:

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9 Section 3C. Payers have the following requirements for reimbursement for non-network  
10 ambulance service licensed pursuant to MGL c. 111C:

11 (a) Notwithstanding any provision of law to the contrary, no insurance company, employee benefit  
12 trust, self-insurance plan, or other entity which is obligated to reimburse the individual or to pay for him

13 or on his behalf the charges for the services rendered by a non-network licensed ambulance service shall  
14 pay those benefits to the individual when the claim form submitted to such entity clearly indicates that  
15 the individual's rights to those benefits have been assigned to the licensed ambulance service.

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17 The insurance company, employee benefit trust, self-insurance plan, or other entity which is obligated  
18 to reimburse the individual or to pay for him or on his behalf the charges for the services rendered by a  
19 licensed ambulance service, based upon the claim and notice of the assignment of benefits submitted by  
20 the ambulance provider, shall remit payment of the claim directly to the licensed ambulance service.

21 If a covered person executes an assignment of benefits and the ambulance service submits notice of  
22 that assignment of benefits with its claim for payment, but the payer remits payment of the claim to the  
23 covered person, rather than the licensed ambulance service, the claim shall not be considered paid. The  
24 payer shall, notwithstanding the incorrect payment of the claim to the covered person, remain liable for  
25 remitting payment of the claim to the service provider pursuant to the assignment of benefits.

26 (b) Notwithstanding any provision of law to the contrary, no insurance company, employee benefit  
27 trust, self-insurance plan, or other entity which is obligated to reimburse the individual, or to pay for  
28 him or on his behalf the charges for the services rendered by a non-network licensed ambulance service  
29 shall reimburse the non-network licensed ambulance its usual, customary, and reasonable charges. For  
30 purposes of this chapter, "usual, customary, and reasonable charges" are deemed to be the lesser of the  
31 licensed ambulance service's billed charges or charges that do not exceed 300% of the allowable rates  
32 published by the Centers for Medicare and Medicaid services at the time of service in the applicable  
33 jurisdiction, for the same covered service.

34 (c) Payment by an insurer pursuant to paragraph (b) shall be payment in full for the services  
35 provided. A non-network licensed ambulance service reimbursed pursuant to this section shall  
36 not charge or seek any reimbursement from, or have any recourse against an insured for the  
37 services provided pursuant to this subsection, except for the collection of copayments,  
38 coinsurance or deductibles for which the insured is responsible for under the terms of the policy.

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