

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Ronald Mariano

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 providing for review of proposed changes to health care provider mandates by the Division of Health Care Finance and Policy.

PETITION OF:

NAME:

Ronald Mariano

DISTRICT/ADDRESS:

3rd Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1157 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO PROVIDING FOR REVIEW OF PROPOSED CHANGES TO HEALTH CARE PROVIDER MANDATES BY THE DIVISION OF HEALTH CARE FINANCE AND POLICY.

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. (a) Chapter 3 of the General Laws, as amended by section 3 of Chapter 300 of the
2 Acts of 2002, is hereby amended by inserting after section 38C the following section:—

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4 38D. (a) For the purposes of this section, a health care provider mandate is one that mandates a
5 new operational or fiscal reporting requirement on health care providers licensed under Chapter
6 19, Chapter 111, Chapter 112, and Chapter 123.

7 (b) Joint Committees of the general court and the house and senate committees on ways and
8 means when reporting favorably on health care provider mandates referred to them shall include
9 a review and evaluation conducted by the division of health care finance and policy pursuant to
10 this section.

11 (c) Upon request of a joint standing committee of the general court having jurisdiction or the
12 committee on ways and means of either branch, the division of health care finance and policy
13 shall conduct a review and evaluation of the health care provider mandate proposal, in
14 consultation with other relevant state agencies, and shall report to the committee within 90 days
15 of the request.

16 (d) All interested parties supporting or opposing the proposal may provide the division of health
17 care finance and policy information relevant to the division's review. The division shall enter
18 into interagency agreements as necessary with all state agencies holding data, including cost
19 data, relevant to the division's review under this section. The division of health care finance and
20 policy may, after consultation with all parties that would be affected by such health care provider
21 mandate proposal, contract with independent consultants as necessary to complete its analysis.
22 The report shall include, at a minimum, the following:

23 (1) the financial impact of the health care provider mandate proposal on all parties affected by
24 the proposal;

25 (2) whether any data required by the proposal is already collected by any state agency;

26 (3) whether there is a specific need for governmental intervention that is clearly identified and
27 precisely defined;

28 (4) whether the costs of the proposal exceed the benefits that would be effected by the proposal;

29 (5) whether less restrictive, less intrusive and less costly alternatives are available to achieve the
30 desired outcome of the proposal;

31 (6) whether a process and schedule can be established to measure the effectiveness of the
32 proposal;

33 (7) whether the proposal can be time-limited and reviewed on a regular basis.

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35 SECTION 2. of Chapter 30A of the General Laws, as so appearing, is hereby amended by
36 inserting after the first paragraph the following paragraph:—

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38 Prior to the adoption or amendment of any regulation as to which a public hearing is required, an
39 agency must demonstrate, that: (a) the financial impact of all parties that will be affected is fully
40 documented; (b) there is a specific need for governmental intervention that is clearly identified
41 and precisely defined; (c) the costs of the proposal do not exceed the benefits that would be
42 effected by the regulation; (d) less restrictive, less intrusive and less costly alternatives have been
43 considered and found less desirable based on a sound evaluation of the alternatives; (e) the
44 Agency has established a process and a schedule for measuring the effectiveness of the
45 regulation; (f) the regulation is time-limited or provides for regular review.

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47 SECTION 3. of Chapter 30A of the General Laws, as so appearing, is hereby amended by
48 inserting before the first paragraph the following paragraph:—

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50 Prior to the adoption or amendment of any regulation as to which a public hearing is not required
51 under section 2, an agency must demonstrate, that: (a) the financial impact of all parties that will
52 be affected is fully documented; (b) there is a specific need for governmental intervention that is
53 clearly identified and precisely defined; (c) the costs of the proposal do not exceed the benefits
54 that would be effected by the regulation; (d) less restrictive, less intrusive and less costly
55 alternatives have been considered and found less desirable based on a sound evaluation of the

56 alternatives; (e) the Agency has established a process and a schedule for measuring the
57 effectiveness of the regulation; (f) the regulation is time-limited or provides for regular review.

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