HOUSE . . . . . No. 1724

By Mr. Aleixo of Taunton, petition of Theodore J. Aleixo, Jr., for legislation to further regulate ambulance services. Health Care.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Five.

AN ACT FURTHER REGULATING AMBULANCE SERVICES IN THE COMMONWEALTH.

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

1 The General Laws are hereby amended by inserting after chapter
2 159B the following chapter: —

3 **CHAPTER 159C.**

4 *Section 1.* It is hereby declared to be the policy of the common-
5 wealth to regulate transportation of sick, injured, or disabled
6 individuals by ambulances upon its ways in such manner as to
7 recognize and preserve the inherent advantages of such transporta-
8 tion, and to foster sound economic conditions in such transporta-
9 tion and among ambulances engaged therein in the public interest;
10 and in connection therewith to promote adequate, economical and
11 efficient service by ambulances, and reasonable charges therefor,
12 without unjust discriminations, undue preferences or advantages
13 or unfair or destructive competitive practices.
14 *Section 2.* The following words and phrases as used in this
15 chapter shall have the following meanings, unless the context
16 clearly requires otherwise:
17 "Ambulance", as defined in section one of chapter one hundred
18 eleven C.
19 "Ambulance Service", as defined in section one of chapter one
20 hundred eleven C.
21 "Common carrier by ambulance", any person who directly, or
22 by his agent or under a lease or any other arrangement, or by
23 arrangement with any other common carrier or with any contract

carrier, transports sick, injured or disabled individuals, for the general public by ambulance, for compensation, upon ways, over regular or irregular routes, including ambulances by air or water.

"Department", the department of public utilities.

"Hearings", as defined in section two of chapter one hundred fifty-nine B.

"Person", as defined in section two of chapter one hundred fifty-nine B.

"Regular routes", routes over which any person is usually or ordinarily operating any ambulance subject to this chapter.

"Way", as defined in section two of chapter one hundred fifty-nine B.

Section 3. Every common carrier by ambulance shall publish and file with the department and keep open for public inspection tariffs containing all the rates and charges for transportation of sick, injured, and disabled individuals and all services in connection therewith between points on its own routes, and between points on its own routes and points on the routes of any other such carrier when a through route and joint rate shall have been established. Such rates and charges shall be stated in lawful money of the United States. The department may reject any tariff filed with it which is not consistent with this section and with its orders, rules and regulations under this chapter.

Every such common carrier shall establish, observe and enforce just and reasonable rates, charges and classifications and reasonable regulations and practices relating thereto, which shall become effective on a date fixed by such carrier, which shall be at least thirty days after the filing of the tariff containing the same, unless suspended by the department prior to its effective date upon complaint of any person, organization or body politic, or by the department on its own motion; provided, that a rate may be established to become effective within said thirty days in order to meet the then existing rate of any competing common carrier, in which case it may become effective upon the effective date of the rate of such competing common carrier or at any time thereafter if established thereafter, upon the filing of a tariff or supplement thereto consistent with such reasonable rules and regulations as may be prescribed by the department.

62 The department may establish from time to time such reasonable
63 rules and regulations as it may deem necessary pertaining to the
64 form of tariff schedules, the time and manner of filing thereof, the
65 suspension of rates before the same become effective, and hearings
66 upon the validity of any filed or existing rate.
67 The department, in its discretion and for good cause shown, may
68 allow publication of rates or of changes therein, upon notice less
69 than that herein specified, or may modify the requirements of this
70 section with respect to posting and filing of tariffs either in particu-
71 lar instances or by general order applicable to special or peculiar
72 circumstances or conditions.
73 The department, upon complaint of any common carrier by
74 ambulance or of any other person, or upon its own motion, after
75 hearing, may allow or disallow any filed or existing rates and may
76 alter or prescribe the rates of common carriers in connection with
77 the transportation of sick, injured and disabled individuals to any
78 and all points within the commonwealth and any service connected
79 therewith, in accordance with the legal standards provided in this
80 chapter. Whenever, upon complaint or in an investigation on its
81 own initiative, the department, after hearing, shall be of the opin-
82 ion that any rate or charge demanded, charged or collected by any
83 common carrier by ambulance, or any classification, rule, regula-
84 tion or practice whatsoever of such carrier affecting such rate,
85 charge or the value of the service thereunder, is or will be unjust or
86 prejudicial, it shall determine and prescribe the lawful rate of
87 charge, or the lawful classification, rule, regulation or practice
88 thereafter to be made effective. The department shall annually
89 establish reasonable maximum and minimum rates or charges
90 consistent with industry and economic conditions and consistent
91 with the declaration of policy contained in section one.
92 In the exercise of the power to prescribe just and reasonable rates
93 for the transportation of property by common carriers by ambu-
94 lance and to disallow rates filed by any such carrier, the department
95 shall give due consideration, among other factors, to the inherent
96 advantages of transportation by such carrier, to the effect of any
97 rates under consideration upon the movement of traffic by such
98 carriers, to the need in the public interest of adequate and efficient
99 transportation service by such carriers, to the cost of service and to

100 the need of revenues sufficient to enable such carriers under honest,
101 economical and efficient management to provide such service.
102 No common carrier by motor vehicle, unless otherwise provided
103 by this chapter, shall engage in the transportation of property upon
104 any way, unless the rates and charges upon which the same is
105 transported by said carrier shall have been filed and published in
106 accordance with this chapter.
107 *Section 4.* No common carrier by ambulance shall charge, de-
108 mand, collect or receive a different compensation for transporta-
109 tion or for any service in connection therewith between the points
110 enumerated in such tariffs than the rates and charges specified in
111 the tariffs in effect at the time; and no such carrier shall refund or
112 remit in any manner or by any device, directly or indirectly, or
113 through any agent or broker or otherwise, any portion of the rates
114 or charges so specified, or extend to any person any privilege or
115 facility for transportation except such as are specified in its tariffs.
116 *Section 5.* Every contract carrier by ambulance shall file with
117 the department a copy of every contract for the transportation of
118 sick, injured, and disabled individuals in effect in connection with
119 its operations, which shall be in writing and shall be executed by all
120 parties thereto. The period of time during which such contract shall
121 be in force, the charges for transportation and accessorial service, if
122 any, and the dutes and obligations of all parties thereto, shall be
123 specifically stated therein, and said copies shall be kept on file in
124 the department, and shall be open to public inspection. The depart-
125 ment may also in its discretion require all contract carriers to file
126 schedules of their minimum charges, each of which schedules shall
127 contain a list of all parties with whom contracts are or may from
128 time to time be in effect, and a statement of the charge or each
129 service performed thereunder, without designation of the party for
130 whom the same are being or are to be performed. Such schedules
131 shall be kept on file in the department and shall be open to public
132 inspection. Any change in such minimum charges shall become
133 effective not less than thirty days after the filing of such change
134 with the department; provided, that the department may in its
135 discretion and for good cause shown allow such change to become
136 effective within a lesser period.
137 No such carrier shall demand, charge or collect compensation

138 for such transportation different from that provided for in his
139 written contract, or less than that contained in the minimum
140 schedule of charges, if any, filed therewith, or prescribed by the
141 department from time to time, and no such carrier, by the furnish-
142 ing of any special service, facility or privilege, or by any other
143 device whatsoever, shall in effect charge, accept or receive for any
144 transportation or service less than the minimum charge, if any,
145 established therefor under this section.

146 Whenever, after hearing, upon a complaint or upon its own
147 initiative, the department finds that any charge of any contract
148 carrier by ambulance or any rule, regulation or practice of any such
149 carrier affecting such charge or the value of the services thereunder
150 for the transportation of sick, injured, and disabled individuals
151 upon ways, contravenes the policy declared in section one or causes
152 an undue or unreasonable advantage or preference to any such
153 carrier in competition with any other motor carrier, the depart-
154 ment, giving due consideration to the cost of services rendered by
155 such carrier, may prescribe such charge, rule, regulation or practice
156 as in its judgment may be necessary or desirable in the public
157 interest. The charges of said contract carriers by motor vehicle for
158 transportation shall in general be no less than those of common
159 carriers by ambulance for the same or similar service.

160 *Section 6.* The department may establish from time to time such
161 reasonable rules and regulations consistent with this chapter as
162 may be necessary to carry out its administration thereof.

163 *Section 7.* A common carrier by ambulance shall file with the
164 department in accordance with regulations adopted after public
165 hearing such data, statistics, schedules or other information as the
166 department may reasonably require to enable it to approve or
167 disapprove rates and charges for transportation of sick, injured,
168 and disabled individuals. For the purpose of approving, disap-
169 proving, or permitting the continuance of all such rates and
170 charges, the department may require an examination of the books
171 of account and statistical records of each common carrier by
172 ambulance, and such examination shall be made under the direc-
173 tion and supervision of the department.

174 *Section 8.* For the purposes of any experimental or demonstra-

175 tion project designed to test the relative advantages and disadvan-
176 tages of alternative methods of determining, reporting and audit-
177 ing the rates and charges for transportation of sick, injured, and
178 disabled individuals or to promote through financial incentives the
179 more efficient use of the personnel and vehicles of any common
180 carrier by ambulance, the department may with the written agree-
181 ment of any such common carrier by ambulance, and of any third-
182 party purchasers of patient care services, supplies, and accommo-
183 dations therefrom as may choose to participate in such project,
184 develop and implement criteria, and procedures for action as to
185 such common carriers by ambulance which may differ from such
186 criteria and procedures previously established.

187 *Section 9.* Whoever violates any provision of this chapter, or
188 any order, rule or regulation adopted or established therender shall
189 be punished, except as otherwise provided in this chapter, for a first
190 offense by a fine of not more than one hundred dollars and for any
191 subsequent offense by a fine of not more than two hundred dollars;
192 and, in addition, the supreme judicial and superior courts shall
193 severally have jurisdiction in equity to restrain any such violation
194 upon petition of the department, or of any person, organization or
195 body politic affected by such violation.

196 Any such person, organization or body politic may file with the
197 department a complaint of any such violation, and the department
198 shall within seven calendar days investigate such complaint, and
199 shall within fourteen calendar days issue an order for remedial
200 action if warranted or shall order hearings to be conducted within a
201 period of twenty-one calendar days from the date of the depart-
202 ment's order. Continuances of hearings on such complaint for any
203 reason shall not be allowed beyond a period of twenty-one calen-
204 dar days from the date of the last preceding hearing date. Upon
205 completion of all hearings deemed necessary the department shall
206 render a decision no later than ninety days from the date of the last
207 hearing held on such a complaint.

208 *Section 10.* Nothing in this chapter shall lessen or affect the
209 authority or powers of the department of public health under
210 chapter one hundred eleven or the authority or powers of the rate
211 setting commission under chapter six A, section thirty-two.