

By Mr. Mullins of Ludlow, petition of William D. Mullins for legislation to regulate the promulgation of new regulations by the Rate Setting Commission. Health Care.

The Commonwealth of Massachusetts

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

AN ACT REGULATING THE PROMULGATION OF NEW REGULATIONS BY THE RATE SETTING COMMISSION.

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. That the following paragraph be added to section
2 32 of General Laws chapter 6A between the seventh and eighth
3 paragraphs: —

4 No rule, regulation, policy or information bulletin promulgated
5 by the commission pursuant to its authority under section 32 of
6 General Laws chapter 6A affecting the method of determining
7 prospective rates of reimbursement or payment to hospitals, shall
8 become effective for a hospital's fiscal year unless either: (1) It has
9 been lawfully promulgated as a final regulation not less than one
10 hundred and fifty (150) days prior to the commencement of the
11 hospital's fiscal year and have received the approval of the joint
12 legislative committee on health care not less than one hundred and
13 twenty (120) days prior to the commencement of the hospital's
14 fiscal year; or, (2) It is lawfully promulgated as an emergency
15 regulation and further, an affidavit of the Secretary of Human
16 Services and each member of the commission who voted to ap-
17 prove the promulgation of the emergency regulation, stating the
18 particular circumstances which have created the emergency, has
19 been filed with the records of the commission and with the joint
20 legislative committee on health care. No emergency regulation
21 promulgated hereunder shall remain in effect longer than forty-
22 five (45) days unless it shall have received the approval of the joint
23 legislative committee on health care.

1 SECTION 2. That the following paragraph be added to section
2 37 of General Laws chapter 6A as the final paragraph thereof:—

3 No rule, regulation, policy or information bulletin promulgated
4 by the commission pursuant to its authority under sections 37 to
5 46, inclusive, shall become effective for a hospital's fiscal year
6 unless either: (1) It has been lawfully promulgated as a final
7 regulation not less than one hundred and fifty (150) days prior to
8 the commencement of the hospital's fiscal year and have received
9 the approval of the joint legislative committee on health care not
10 less than one hundred and twenty (120) days prior to the com-
11 mencement of the hospital's fiscal year; or, (2) It has been lawfully
12 promulgated as an emergency regulation and further, an affidavit
13 of the Secretary of Human Services and each member of the
14 commission who voted to approve the promulgation of emergen-
15 cy regulation, stating the particular circumstances which have
16 created the emergency, has been filed with the records of the
17 commission and with the joint legislative committee on health
18 care. No emergency regulation promulgated hereunder shall re-
19 main in effect longer than forty-five (45) days unless it shall have
20 received the approval of the joint legislative committee on health
21 care.

1 SECTION 3. That the following paragraph be added to section
2 5 of General Laws chapter 176A between the eighth and ninth
3 paragraphs thereof:

4 No rule, regulation policy or information bulletin promulgated
5 by the commission pursuant to its authority under section 5 of
6 General Laws chapter 176, shall become effective for a hospital's
7 fiscal year unless either: (1) It has been lawfully promulgated as a
8 final regulation not less than one hundred and fifty (150) days
9 prior to the commencement of the hospital's fiscal year and have
10 received the approval of the joint legislative committee on health
11 care not less than one hundred and twenty (120) days prior to the
12 commencement of the hospital's fiscal year; or, (2) It is lawfully
13 promulgated as an emergency regulation and further, an affidavit
14 of the Secretary of Human Services and each member of the
15 commission who voted to approve the promulgation of the emer-
16 gency regulation, stating the particular circumstances which have

17 created the emergency, has been filed with the records of the
18 commission and with the joint legislative committee on health
19 care. No emergency regulation promulgated hereunder shall re-
20 main in effect longer than forty-five (45) days unless it shall have
21 received the approval of the joint legislative committee on health
22 care.

