

HOUSE No. 3374

By Ms. Buell of Greenfield, petition of Carmen D. Buell for legislation to provide standards for contracts between hospital service corporations and providers of home infusion therapy. Insurance.

The Commonwealth of Massachusetts

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

AN ACT PROVIDING STANDARDS FOR CONTRACTS BETWEEN HOSPITAL SERVICE CORPORATIONS AND PROVIDERS OF HOME INFUSION THERAPY.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose which is to provide standards for contracts
3 between hospital service corporations and providers of home
4 infusion therapy, it is hereby declared an emergency law, necessary
5 for the immediate preservation of the public convenience.

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 54 of chapter 176A of the General Laws, as most
2 recently amended, is hereby amended by adding the following at
3 the end of the fourth paragraph: —

4 All contracts made and all rates of payment paid by such
5 corporation with or to providers of home infusion therapy services
6 shall be approved in advance by the rate setting commission
7 established under section thirty-two of chapter 6A, in this section
8 called the commission. No contract or rate of payment under any
9 such contract with a provider of home infusion therapy services
10 shall be approved nor its continuance permitted by the
11 commission, unless:

12 1. the contract provides payment for not less than all home
13 infusion therapies and services which such corporation has paid
14 for as an extended benefit or otherwise covered as a benefit prior
15 to the enactment of this act, including, but not limited to, services
16 to individuals infected with the HIV virus;

17 2. the contract does not limit the designation of a home infusion
18 therapy provider by a subscriber or attending physician where
19 such designation is related to the intensity and availability of
20 services required by the patient or subscriber;

21 3. the rate of payment is sufficient to provide the level and
22 intensity of nursing services required by the individual patient or
23 subscriber including, without limitation, those patients or
24 subscribers requiring home infusion therapy as a result of bone
25 marrow and/or solid organ transplants, as determined by the
26 assessment tool, which the commission is directed to prescribe by
27 regulation;

28 4. such provider provides comprehensive services which
29 include services for nursing, dietary, pharmacy, material
30 management, including medical waste disposal and equipment
31 maintenance, educational and psycho-social services, maintains
32 a comprehensive formulary which has the capability to provide
33 availability of infusion therapy services in the scope and intensity
34 required by the patient population in its service area, and
35 information services which monitor for drug interactions and
36 adverse drug reactions;

37 5. the corporation contracts with a sufficient number of
38 providers such that the subscriber has a meaningful choice of
39 providers;

40 6. the corporation provides that where an attending physician
41 makes a medical determination that the providers of home
42 infusion therapy services under contract with the corporation do
43 not offer the services which are medically necessary for the patient
44 according to generally accepted medical practice, the physician
45 may designate a provider of home infusion therapy services which
46 offers the services required by the patient and such services shall
47 be paid as an extended benefit; and

48 7. the contract provides that the corporation shall not deny
49 payment for any home infusion therapy services ordered by a
50 licensed physician unless the corporation first notifies, in writing,
51 the patient, subscriber, provider and the patient's physician that
52 the services are not medically necessary according to generally
53 accepted medical practice and, therefore, are not covered by the
54 subscriber's policy or are not otherwise covered by the subscriber's
55 policy and the patient, subscriber, provider and the patient's

56 physician has had the opportunity to appeal such determination
57 and a determination has been made on that appeal.

58 Prior to approving a home infusion therapy contract, the
59 commission shall afford interested parties the opportunity for a
60 public hearing and prior to said public hearing the commission
61 shall consult with providers, subscribers and patient advocacy
62 groups including but not limited to the AIDS Action Committee
63 of Massachusetts, The Crohns and Colitis Foundation of
64 America, the Pediatric Ileitis and Colitis Foundation and the
65 North American Pediatric Pseudo Obstructive Society.

The first part of the report deals with the general situation in the country and the progress of the work during the year. It is followed by a detailed account of the work done in each of the various departments and sections. The report concludes with a summary of the work done and a list of the publications issued during the year.

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