

By Mrs. Teahan of Whitman, petition of Kathleen M. Teahan and Carol A. Donovan relative to managed care insurance contracts with home health providers. Insurance.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT RELATIVE TO MANAGED CARE CONTRACTS WITH HOME HEALTH AGENCIES.

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. Section 108 of chapter 175 of the General Laws,
2 as most recently amended by section 9 of chapter 141 of the acts
3 of 2000, is hereby further amended by inserting at the end of para-
4 graph 11 the following sentence:— In contracting with a provider
5 of home health services, an insurer shall not require that such
6 provider, if it is certified for participation in the Medicare pro-
7 gram, Title XVIII of the federal Social Security Act (42 U.S.C.
8 Sections 1395 et seq.), also be accredited by the Joint Commis-
9 sion on Accreditation of Healthcare Organizations or other
10 national accrediting body.

1 SECTION 2. Section 110 of said chapter 175, as most recently
2 amended by section 12 of chapter 141 of the acts of 2000, is
3 hereby further amended by inserting at the end of paragraph (M)
4 the following sentence:— No such insurer shall, in contracting
5 with a provider, if it is certified for participation in the Medicare
6 program, Title XVIII of the federal Social Security Act (42 U.S.C.
7 Sections 1395 et seq.), also be accredited by the Joint Commis-
8 sion on Accreditation of Healthcare Organizations or other
9 national accrediting body.

1 SECTION 3. Section 5 of chapter 176A of the General Laws,
2 as appearing in the 2000 Official Edition, is hereby amended by

3 inserting at the end of line 41 the following sentence: — No con-
4 tract between a hospital service corporation and a provider of
5 home health services shall require that the participating home
6 health agency, if it is certified for participation in the Medicare
7 program, Title XVIII of the federal Social Security Act (42 U.S.C.
8 Sections 1395 et seq.), also be accredited by the Joint Commission
9 on Accreditation of Healthcare Organizations or other national
10 accrediting body.

1 SECTION 4. Section 6 of chapter 176G of the General Laws,
2 as most recently amended by section 20 of chapter 141 of the acts
3 of 2000, is hereby further amended by adding at the end thereof
4 the following sentence:— No contract between a participating
5 home health agency and a health maintenance organization shall
6 be issued or delivered in the commonwealth that requires the par-
7 ticipating home health agency, if it is certified for participation in
8 the Medicare program, Title XVIII of the federal Social Security
9 Act (42 U.S.C. Sections 1395 et seq.), also to be accredited by the
10 Joint Commission on Accreditation of Healthcare Organizations
11 or other national accrediting body.

1 SECTION 5. Section 2 of Chapter 176I of the General Laws, as
2 most recently amended by section 24 of chapter 141 of the acts of
3 2000, is hereby further amended by adding at the end thereof the
4 following sentence:— Any preferred provider arrangement
5 entered into between an organization and a home health agency
6 shall not require the participating home health agency, if it is cer-
7 tified for participation in the Medicare program, Title XVIII of the
8 federal Social Security Act (42 U.S.C. Sections 1395 et seq.), also
9 be accredited by the Joint Commission on Accreditation of
10 Healthcare Organizations or other national accrediting body.

1 SECTION 6. The provisions of Section 1 of this act shall apply
2 to all contracts between providers of home health services and
3 insurers subject to section 108 of chapter 175 of the General Laws
4 entered into, renewed, or amended on or after the effective date of
5 this act.

1 SECTION 7. The provisions of Section 2 of this act shall apply
2 to all contracts between providers of home health services and
3 insurers subject to section 110 of chapter 175 of the General Laws
4 entered into, renewed, or amended on or after the effective date of
5 this act.

1 SECTION 8. The provisions of Section 3 of this act shall apply
2 to all contracts between providers of home health services and
3 hospital service corporations entered into, renewed, or amended
4 on or after the effective date of this act.

1 SECTION 9. The provisions of Section 4 of this act shall apply
2 to all contracts between participating home health agencies and
3 health maintenance organizations issued, delivered, renewed or
4 amended on or following the effective date of this act.

1 SECTION 10. The provisions of Section 5 of this act shall
2 apply to all arrangements between home health agencies and orga-
3 nizations subject to chapter 176I of the General Laws entered into,
4 renewed or amended on or following the effective date of this act.

1 SECTION 11. This act shall take effect upon its passage.

