The Massachusetts Medical Society wishes to be recorded in support of S.739, H.1292/S.775, and S.746, legislation that would protect MassHealth patients by extending certain statutory patient protections, which currently apply to privately insured patients, to individuals covered by MassHealth. The MMS is a professional association of over 25,000 physicians, residents, and medical students. The Medical Society is committed to advocating on behalf of patients, to give them a better health care system, and on behalf of physicians, to help them provide the best care possible. In particular, the Medical Society values patient protections that work to ensure the highest quality of care for all patients in our Commonwealth.

It is both necessary and appropriate for individuals covered by MassHealth to receive the same patient protections as their fellow citizens who are enrolled in private insurance plans. To accomplish that, S.739 extends the protections of Chapter 176O, relative to Health Insurance Consumer Protections, to MassHealth enrollees, and it would retitle Chapter 176O to reflect the inclusion of the Division of Medical Assistance (DMA). While we recognize there are existing statutory patient protections for MassHealth, there are gaps in those protections that would be addressed through passage of this bill.

By including the DMA under Chapter 176O, this bill would provide protections previously unavailable for MassHealth recipients by allowing the Office of Patient Protection to safeguard the rights of MassHealth patients. The Office of Patient Protection is responsible for the administration and enforcement of 176O, sections 13, 14, 15 and 16—the patient protection provisions. Included in those protections are (1) the requirement for clear and concise evidence of coverage to be delivered to covered adults by health, dental, and vision care providers; (2) limitations on the scope of services and benefits provided; (3) a summary description of the utilization review procedures and quality assurance programs; (4) a statement detailing what translator and interpretation
services are available to assist insureds; (5) a description of the method for resolving complaints; (6) a list of health care providers contracting with the carrier, organized by specialty and by location; (7) transparency of the carrier’s formal internal grievance process, a requirement for adequate consideration, a timely resolution of grievances, and criteria for expediated review; and, (8) access to the Office of Patient Protection’s grievance review panel for further review when an insured remains aggrieved by an adverse determination and has exhausted all remedies available from the formal internal grievance process.

S.738 would further protect MassHealth providers by requiring MassHealth to meet the prompt payment for service provisions currently required of private insurers by Chapter 176O. It would also impose limitations around MassHealth’s ability to recoup, reduce, review, or retroactively deny payments for services provided one year or more prior to the date of MassHealth’s initiation of such action. Such protections would free physicians from excessive administrative burdens and would encourage participation in the MassHealth program, improving patients’ access to high quality care. Adopting these protections, which are already provided to consumers of private insurance through the Massachusetts Patient’s Bill of Rights, would importantly work to decrease disparities in health care by ensuring equal access to the aforementioned benefits for MassHealth patients and the physicians who treat them.

S.746 and H.1292/S.775 are consistent with S.739 sections 3-9 in that they would strengthen patient protections and appeals processes for MassHealth recipients. Specifically, S.746 would provide transparency for adverse determinations regarding an admission, continued inpatient stay, or the availability of other health care services or procedures. It would also give providers treating medical assistance recipients the opportunity to appeal for timely reconsideration of the determination. H.1292/S.775 seeks to extend patient protections of 176O to MassHealth recipients. Accordingly, these bills are also supported by the Medical Society.

Thank you for the opportunity to be heard on these thoughtful approaches to patient protection in the Commonwealth. The Medical Society respectfully urges favorable report on the above-mentioned legislation.