



To: MassAHU

From: Shelley Kaleita

Re: S.2769 - An Act Putting Patients First

Date: June 25th, 2020

Overview

On Thursday, June 25th, the Senate convened in chamber and remotely to debate and vote on [S.2769](#) - An Act Putting Patients first, that includes telehealth, out-of-network billing, and scope of practice reforms. There were [70 amendments](#) originally filed to the bill, many of which were withdrawn or not adopted. Only 15 amendments were adopted. The bill was passed by the Senate with 38 votes and one Senator was absent - Senator Nick Collins.

Adopted Amendments

- *Amendment 10* Filed by Senator Bruce Tarr: Requires EOHHS, in consultation with MEMA, to develop a plan to ensure adequacy of supply of personal protective equipment for health care facilities and public safety facilities in the commonwealth.
- *Amendment 18* Filed by Senator Walter Timilty: Excludes ambulances from OON default rate for emergency services. **MAHP OPPOSED**
- *Amendment 28* Filed by Senator Jason Lewis: Removes prohibition on facility fees but does not mandate or explicitly exclude.
- *Amendment 36* Filed by Senator John Keenan: Scope of Practice for qualified advanced practice registered nurses: gives them ability to make decisions over voluntary admissions to psychiatric facilities.
- *Amendment 37* Filed by Senator Joanne Comerford: Amends section governing CHIA's report on telehealth to include access to broadband internet and cellular telephone service as a potential barrier to telehealth.
- *Amendment 38* Filed by Senator Joanne Comerford: Prohibits providers that do not participate in the patient's health plan from billing the insured if the provider fails to provide the required notifications to members about OON status, except for any applicable cost sharing that would be payable if the insured received the service from a participating health care provider under the terms of the insured's health benefit plan.
- *Amendment 40* Filed by Senator Jason Lewis: Amends the GIC telehealth mandate to prohibit PA or UM to obtain services via telehealth that would not apply to receipt of those same services delivered in person. **MAHP OPPOSED**

- *Amendment 45* Filed by Senator James Welch: Requires that health care providers inform their patients if their status as participating in the patient's health plan changes during a continued course of treatment.
- *Amendment 52* Filed by Senator James Welch: In the development of OON reimbursement rates, directs the Commissioner in conjunction with the AG to develop and oversee required protections for safety net hospitals serving racially diverse and high Medicaid populations to ensure that racial and socioeconomic health disparities are not heightened
 - *Amendment 53* Filed by Senator Ryan Fattman: Requires carriers to cover telehealth services by an out-of-state health care provider who establishes a provider patient relationship, regardless of whether or not the telehealth provider has previously conducted an in person examination or consultation or is conducting a new patient examination or consultation. Same as 35. **MAHP OPPOSED**
- *Amendment 55* Filed by Senator Julian Cyr: HPC study of COVID shall include an analysis on the impact on the health care workforce and on any health care provider efforts that demonstrate planning and investment in worker readiness.
- *Amendment 59* Filed by Senator Bruce Tarr: Sunsets telehealth payment parity after 1 year (July 31, 2021) and allows HHS, in consultation with the HPC and CHIA, to determine the rate of payment for telehealth services.
- *Amendment 60* Filed by Senator Susan Moran: – HPC study of COVID shall include an examination of the closures of services classified as essential by DPH or other relevant agency, and any effects the loss of these services have had on access to and quality of care, including but not limited to, an analysis of the number of patients presenting and boarding in emergency departments
- *Amendment 63* Filed by Senator Michael Rodrigues: Corrective Amendment inserts the phrase "in the same manner" before the phrase "as if the service was delivered in person" in 4 sections.
- *Amendment 68* Filed by Senator Michael Barrett: Prohibits health plans from limiting telehealth coverage to services delivered by third party providers.
- *Amendment 70* Filed by Senator Michael Barrett: Requires HPC report on telehealth include the review of cost and availability of technology infrastructure for patients, equity in access for low-income patients ,and patient choice of providers offering telehealth services.