

# SENATE NO. 689

## **AN ACT** RELATIVE TO PANDEMIC OR DISASTER PLANNING BY HEALTH CARE PROVIDERS

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is forthwith to protect the rights of patients to receive timely and medically necessary health care services, therefore it is hereby declared to be an emergency law, necessary 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 1. Chapter 111 of the General Laws, as appearing in the 2004 Official Edition, is hereby  
2 amended by inserting after section 25J the following section:  
3 Section 25K Disaster Planning and Preparation by Health Care Facilities:  
4 Notwithstanding the provisions of any general or special law to the contrary, no health care  
5 provider, as defined in section 1 of this Chapter, shall be liable in a suit for damages or  
6 administrative sanctions as a result of good-faith acts or omissions while engaged in the  
7 performance of duties in rendering emergency care, treatment, advice, or assistance during a  
8 declared statewide or regional public health emergency or acting as a result of a pandemic or a  
9 disaster. This section does not apply in the case of malfeasance, willful or wanton actions.  
10 In the absence of any other benefits provided by law, any health care provider who is killed or who  
11 sustains disability or injury while activated by a state agency for volunteer assistance directly

12 related to the provision of health care services shall be construed to be an employee of the  
13 Commonwealth and shall be compensated in like manner as state employees are compensated under  
14 the provisions of Sections 69 through 75 of the Chapter 152 of the General Laws.

15 If the statewide or regional declared public health emergency requires expertise of volunteers that  
16 are not available in Massachusetts, any personnel that are requested from other states that provide  
17 emergency care, treatment, advice, or assistance shall receive the same protections provided to  
18 Massachusetts health care providers as provided for under this section.

19 SECTION 3: Chapter 175 of the General Laws, as appearing in the 2004 official edition, is hereby  
20 amended by inserting after section 24F the following section:

21 24G Utilization review

22 Notwithstanding the provisions of any general or special law or rule or regulation to the contrary,  
23 any policy, contract, agreement, plan, or certificate of insurance for coverage of health care  
24 services, including any self-insured sickness, health, or welfare plan issued within or without the  
25 commonwealth, including but not limited to those of a carrier as defined under section 1 of chapter  
26 176O, shall provide for the immediate waiver of all administrative requirements, including but not  
27 limited to, utilization review, prior authorization, advance notification upon admission or delivery  
28 of services, limitation on provider networks for treating or transfer of patients, or for health care  
29 services provided during a statewide or regional declared public health emergency.

30 SECTION 4 A health care insurer shall include the provisions of section 3 of this Act in all  
31 contracts between the insurer and a health care provider entered into, renewed, or amended on or  
32 after the effective date of the Act.