The Commonwealth of Massachusetts

PRESENTED BY:

Paul J. Donato

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to promote transparent and equitable reimbursement for services provided by Advanced Practice Registered Nurses (APRNs).

PETITION OF:

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<th>NAME:</th>
<th>DISTRICT/ADDRESS:</th>
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<tr>
<td>Paul J. Donato</td>
<td>35th Middlesex</td>
<td>12/8/2023</td>
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<tr>
<td>Kay Khan</td>
<td>11th Middlesex</td>
<td>1/11/2024</td>
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An Act to promote transparent and equitable reimbursement for services provided by Advanced Practice Registered Nurses (APRNs).

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 32A of the General Laws is hereby amended by adding the following section:-

Section 33. (a) (1) Coverage offered by the commission to an active or retired employee of the commonwealth insured under the commission shall not make a distinction, for the purposes of participation, coverage, and payment, between physicians licensed pursuant to chapter 112 and nurses authorized to practice in advanced practice nursing roles pursuant to section 80B of said chapter 112, if the physician or advanced practice registered nurse is acting within the scope of their practice pursuant to their licensure and certification. Nothing in this subsection shall prevent the commission from establishing varying reimbursement rates based on quality or performance measures as long as such measures are the same for physicians licensed pursuant to chapter 112 and nurses authorized to practice in advanced practice nursing roles pursuant to section 80B of said chapter 112.
(b) A claim submitted for payment must identify the National Provider Identifier (NPI) of the physician or advanced practice registered nurse who actually provided the service. (c) (1) The commission shall reimburse a contracted advanced practice registered nurse who is authorized to practice in advanced practice nursing roles pursuant to section 80B of chapter 112 in an amount not less than the allowed amount that the commissioner would reimburse for the same service if provided by a contracted provider who is a physician licensed pursuant to said chapter 112.

(2) The commission may not reduce the reimbursement amount paid to physicians licensed under chapter 112 to comply with this subsection.

SECTION 2. Section 6 of chapter 118E of the General Laws is hereby amended by inserting after the words “board-certified physicians”, the following words: , advanced practice registered nurses.

SECTION 3. Chapter 118E of the General Laws is hereby amended by adding the following section: -

Section 83. (a) (1) The division and its contracted health insurers, health plans, health maintenance organizations, behavioral health management firms and third-party administrators under contract to a Medicaid-managed care organization, accountable care organization, or primary carem clinician plan shall not make a distinction, for the purposes of participation, coverage, and payment, between physicians licensed pursuant to chapter 112 and nurses authorized to practice in advanced practice nursing roles pursuant to section 80B of said chapter 112, if the physician or advanced practice registered nurse is acting within the scope of their practice pursuant to their licensure and certification. Nothing in this subsection shall prevent the
commission from establishing varying reimbursement rates based on quality or performance measures as long as such measures are the same for physicians licensed pursuant to chapter 112 and nurses authorized to practice in advanced practice nursing roles pursuant to section 80B of said chapter 112.

(b) A claim submitted for payment must identify the National Provider Identifier (NPI) of the physician or advanced practice registered nurse who actually provided the service.

(c) The division and its contracted entities shall: (i) reimburse a contracted advanced practice registered nurse who is authorized to practice in advanced practice nursing roles pursuant to section 80B of chapter 112 in an amount not less than the allowed amount that it would reimburse for the same service if provided by a contracted provider who is a physician licensed pursuant to said chapter 112; and (ii) not reduce the reimbursement amount paid to physicians licensed under chapter 112 to comply with this subsection.

SECTION 4. Chapter 175 of the General Laws is hereby amended by inserting after section 108N the following section:-

Section 108O. (a) (1) An individual policy of accident and sickness insurance issued under section 108 that provides hospital expense and surgical expense insurance and any group blanket or general policy of accident and sickness insurance issued under section 110 that provides hospital expense and surgical expense insurance that is issued or renewed within or without the commonwealth shall not make a distinction, for the purposes of participation, coverage, and payment, between physicians licensed pursuant to chapter 112 and nurses authorized to practice in advanced practice nursing roles pursuant to section 80B of said chapter 112, if the physician or advanced practice registered nurse is acting within the scope of their
practice pursuant to their licensure and certification. Nothing in this subsection shall prevent the
commission from establishing varying reimbursement rates based on quality or performance
measures as long as such measures are the same for physicians licensed pursuant to chapter 112
and nurses authorized to practice in advanced practice nursing roles pursuant to section 80B of
said chapter 112.

(b) A claim submitted for payment must identify the National Provider Identifier (NPI) of
the physician or advanced practice registered nurse who actually provided the service.

(c) An individual policy of accident and sickness insurance issued under section 108 that
provides hospital expense and surgical expense insurance and any group blanket or general
policy of accident and sickness insurance issued under section 110 that provides hospital expense
and surgical expense insurance that is issued or renewed within or without the commonwealth
shall: (i) reimburse a contracted advanced practice registered nurse who is authorized to practice
in advanced practice nursing roles pursuant to section 80B of chapter 112 in an amount not less
than the allowed amount that it would reimburse for the same service if provided by a contracted
provider who is a physician licensed pursuant to said chapter 112; and (ii) not reduce the
reimbursement amount paid to physicians licensed under chapter 112 to comply with this
section.

SECTION 5. Chapter 176A of the General Laws is hereby amended by inserting after
section 38 the following section:-

Section 39. Any contract between a subscriber and a corporation under an individual or
group hospital service plan delivered, issued or renewed within the commonwealth shall not
make a distinction, for the purposes of participation, coverage, and payment, between physicians
licensed pursuant to chapter 112 and nurses authorized to practice in advanced practice nursing roles pursuant to section 80B of said chapter 112, if the physician or advanced practice registered nurse is acting within the scope of their practice pursuant to their licensure and certification. Nothing in this subsection shall prevent the commission from establishing varying reimbursement rates based on quality or performance measures as long as such measures are the same for physicians licensed pursuant to chapter 112 and nurses authorized to practice in advanced practice nursing roles pursuant to section 80B of said chapter 112.

(b) A claim submitted for payment must identify the National Provider Identifier (NPI) of the physician or advanced practice registered nurse who actually provided the service.

(c) Any contract between a subscriber and a corporation under an individual or group hospital service plan delivered, issued or renewed within the commonwealth shall: (i) reimburse a contracted advanced practice registered nurse who is authorized to practice in advanced practice nursing roles pursuant to section 80B of chapter 112 in an amount not less than the allowed amount that it would reimburse for the same service if provided by a contracted provider who is a physician licensed pursuant to said chapter 112; and (ii) not reduce the reimbursement amount paid to physicians licensed under chapter 112 to comply with this section.

SECTION 6. Section 1 of chapter 176B of the General Laws is hereby amended by inserting the following definition:—

“Advanced Practice Registered Nurse”, A registered nurse who is authorized to practice in advanced practice nursing roles pursuant to section 80B of said chapter 112. Clinical categories of advanced practice registered nurses include Massachusetts Board of Registration in Nursing recognized clinical categories and abbreviations, including: (1) Certified Registered
Nurse Anesthetist (CRNA); (2) Certified Nurse Midwife (CNM); Certified Nurse Practitioner (CNP); Clinical Nurse Specialist (CNS); and Psychiatric Nurse Mental Health Clinical Specialist (PNMHCS).

SECTION 7. Section 1 of said chapter 176B is further amended by repealing the following definition:-

"Certified Nurse Midwife", a nurse midwife authorized to practice midwifery in the commonwealth by the board of registration in nursing pursuant to section eighty B of chapter one hundred and twelve.

SECTION 8. Section 1 of said chapter 176B is further amended by amending the definition of “Medical service” as follows:-

"Medical service”, the medical and health care services provided by registered physicians and advanced practice registered nurses in accordance with their scope of practice pursuant to their licensure and certification.

SECTION 9. Section 1 of said chapter 176B is further amended by inserting, after the definition of “Nonprofit medical service plan”, the following definition:-

“Participating Advanced Practice Registered Nurse”, a registered nurse who is authorized to practice in advanced practice nursing roles pursuant to section 80B of said chapter 112, and who agrees in writing with a medical service corporation to perform medical services for subscribers and covered dependents and to abide by the by-laws, rules and regulations of such corporation.
SECTION 10. Section 1 of said chapter 176B is further amended by repealing the following definition:-

"Participating nurse midwife", a certified nurse midwife who agrees in writing with a medical service corporation to perform midwifery service for subscribers and covered dependents and to abide by the by-laws, rules and regulations of such corporation.

SECTION 11. Chapter 176B of the General Laws is hereby amended by repealing the following section:-Section 4G: Certified nurse midwife services benefits.

SECTION 12. Said chapter 176B is further amended by repealing the following section:-

Section 4T: Subscription certificate benefits for services rendered by a nurse anesthetist or nurse practitioner.

SECTION 13. Said chapter 176B is further amended by adding the following section:- 

Section 26. A contract between a subscriber and a medical service corporation shall not make a distinction, for the purposes of participation, coverage, and payment, between physicians licensed pursuant to chapter 112 and advanced practice registered nurses authorized to practice in advanced practice nursing roles pursuant to section 80B of said chapter 112, if the physician or advanced practice registered nurse is acting within the scope of their practice pursuant to their licensure and certification. Nothing in this subsection shall prevent the commission from establishing varying reimbursement rates based on quality or performance measures as long as such measures are the same for physicians licensed pursuant to chapter 112 and nurses authorized to practice in advanced practice nursing roles pursuant to section 80B of said chapter 112.
(b) A claim submitted for payment must identify the National Provider Identifier (NPI) of

the physician or advanced practice registered nurse who actually provided the service.

(c) A contract between a subscriber and a medical service corporation shall: (i) reimburse

a contracted advanced practice registered nurse who is authorized to practice in advanced

practice nursing roles pursuant to section 80B of chapter 112 in an amount not less than the

allowed amount that it would reimburse for the same service if provided by a contracted provider

who is a physician licensed pursuant to said chapter 112; and (ii) not reduce the reimbursement

amount paid to physicians licensed under chapter 112 to comply with this section.

SECTION 14. Section 1 of chapter 176G of the General Laws is hereby amended by

inserting the following definition:-

“Advanced Practice Registered Nurse”, A registered nurse who is authorized to practice

in advanced practice nursing roles pursuant to section 80B of said chapter 112. Clinical

categories of advanced practice registered nurses include Massachusetts Board of Registration in

Nursing recognized clinical categories and abbreviations, including: (1) Certified Registered

Nurse Anesthetist (CRNA); (2) Certified Nurse Midwife (CNM); Certified Nurse Practitioner

(CNP); Clinical Nurse Specialist (CNS); and Psychiatric Nurse Mental Health Clinical Specialist

(PNMHCS).

SECTION 15. Section 1 of said chapter 176G is further amended by inserting after the

word “physician”, in the definition of “Health services”, the following words:- or advanced

practice registered nurse.
SECTION 16. Section 1 of said chapter 176G is further amended by inserting after the word “physician,”, in the definition of “Nondiscriminatory”, the following words:- advanced practice registered nurse.

SECTION 17. Chapter 176G of the General Laws is hereby amended by adding the following section:-

Section 34. A contract between a member and a health maintenance organization shall not make a distinction, for the purposes of participation, coverage, and payment, between physicians licensed pursuant to chapter 112 and nurses authorized to practice in advanced practice nursing roles pursuant to section 80B of said chapter 112, if the physician or advanced practice registered nurse is acting within the scope of their practice pursuant to their licensure and certification. Nothing in this subsection shall prevent the commission from establishing varying reimbursement rates based on quality or performance measures as long as such measures are the same for physicians licensed pursuant to chapter 112 and nurses authorized to practice in advanced practice nursing roles pursuant to section 80B of said chapter 112.

(b) A claim submitted for payment must identify the National Provider Identifier (NPI) of the physician or advanced practice registered nurse who actually provided the service.

(c) A contract between a member and a health maintenance organization shall: (i) reimburse a contracted advanced practice registered nurse who is authorized to practice in advanced practice nursing roles pursuant to section 80B of chapter 112 in an amount not less than the allowed amount that it would reimburse for the same service if provided by a contracted provider who is a physician licensed pursuant to said chapter 112; and (ii) not reduce the
reimbursement amount paid to physicians licensed under chapter 112 to comply with this
section.

SECTION 18. Chapter 176G of the General Laws is further amended by adding the
following section:-

Section 35. When a law or rule requires authorization or involvement of a physician as a
condition of reimbursement or coverage of health services, that requirement may be fulfilled by
an advanced practice registered nurse practicing under section 80B of chapter 112.

SECTION 19. Chapter 176I of the General Laws is hereby amended by adding the
following section:-

Section 14. A preferred provider contract between a covered person and an organization
shall not make a distinction, for the purposes of participation, coverage, and payment, between
physicians licensed pursuant to chapter 112 and nurses authorized to practice in advanced
practice nursing roles pursuant to section 80B of said chapter 112, if the physician or advanced
practice registered nurse is acting within the scope of their practice pursuant to their licensure
and certification. Nothing in this subsection shall prevent the commission from establishing
varying reimbursement rates based on quality or performance measures as long as such measures
are the same for physicians licensed pursuant to chapter 112 and nurses authorized to practice in
advanced practice nursing roles pursuant to section 80B of said chapter 112.

(b) A claim submitted for payment must identify the National Provider Identifier (NPI) of
the physician or advanced practice registered nurse who actually provided the service.
(c) A preferred provider arrangement between a covered person and an organization shall: (i) reimburse a preferred provider advanced practice registered nurse who is authorized to practice in advanced practice nursing roles pursuant to section 80B of chapter 112 in an amount not less than the allowed amount that it would reimburse for the same service if provided by a preferred provider who is a physician licensed pursuant to said chapter 112; and (ii) not reduce the reimbursement amount paid to physicians licensed under chapter 112 to comply with this section.