

**SUMMARY OF S689 REDRAFT**  
**AN ACT RELATIVE TO PANDEMIC OR DISASTER PLANNING BY HEALTH CARE PROVIDERS**

The first section of this bill offers protection to health care providers from liability for damages or administrative or licensing sanctions resulting from their actions or inactions when engaged in the performance of their duties as a volunteer or employee of the state during a public health emergency. Furthermore, volunteers who sustain disability or injuries, while acting on behalf of the state, will be treated as an employee of the state for worker's compensation purposes. This coverage also extends to out of state volunteers who are requested by the state to provide emergency care.

The second section of the bill addresses a suspension of administrative requirements and a reconciliation period for charges and reimbursements for providers and carriers. Upon declaration of a public health emergency by the governor the following will occur:

- A suspension of the following administrative requirements for all insurance policies and contracts: utilization review, prior authorization, advance notification upon admission or delivery of services, and limitation on provider networks for treating or transfer of patient. This is not a complete list, but the division of insurance has authority to promulgate regulations to implement this.
- All prompt claims payment requirements and payments of interest shall be waived.
- A 180 day period of reconciliation will commence at the end of the declared state of emergency. During this time claims may be adjusted between providers and carriers. In the event of no contract between provider and carrier, the rates will be based upon usual and customary reimbursement rates during the date of service, and MassHealth rates will apply to services provided to MassHealth members. Recovery actions shall be commenced within three years from the date of the declared end of the public health emergency.