

How State Law Obstructs New Medical Services

1. **Cancer hits 37,940 Massachusetts residents** for the first time each year; suddenly each victim needs customized care.
2. Kerri, an oncology nurse practitioner in Boston (not her real name and city), devised a new skilled medical service to **help cancer sufferers** after initial treatment.
3. Kerri envisions a service called **Oncology Advocacy**, a natural career step for skilled nurses in advanced practice, like Kerri; but **a Massachusetts law restricting self-employment stands in the way**.
4. **A cancer diagnosis paralyzes patients and their families psychologically**, just when circumstances require rapid decision-making.
5. After initial treatment and discharge from the hospital, the Oncology Advocate would take charge of coordinating care.
6. In the past, family members filled this role; now families are smaller and more widely dispersed, while managing care requires more experience.
7. The Oncology Advocate would **coordinate care, payment, and support from many sources** ranging from doctors, nurses and hospitals to therapists and insurers to family, friends and specialized support facilities—even gyms and neighborhood retail clinics.
8. Providing care to patients and dispersed families requires 24-hour flexibility, independent judgment, negotiating with competing vendors, and the ability to say “no” gracefully, **requirements that suit independent contracting**.
9. Massachusetts employment law stands in the way of innovations like this by requiring that any individual service provider in Massachusetts be an employee if the services provided are in an “employer’s usual course of business.”
10. This inflexible legal restriction of independent contracting means an Oncology Advocate would **have to be an employee** of all the organizations whose care she would be trying to coordinate—an unworkable arrangement.
11. **Massachusetts’ harmful IC law needs to change** so that cancer patients in Massachusetts can get the most personalized care possible, precisely when they are at the lowest point in their lives.
12. You can help Kerri and 160,000 other Massachusetts medical professionals offer the most innovative care possible to all medical patients by asking your state legislators to change this harmful law, so it **conforms to the independent contractor standards of the IRS and MA Department of Revenue**.