SENATE DOCKET, NO. 1362 FILED ON: 1/21/2011

SENATE . . . . . No. 410

The Commonwealth of Massachusetts

PRESENTED BY:

Harriette L. Chandler

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 passage of the accompanying:

An Act to include fluoride varnish in all health insurance coverage in the Commonwealth..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Harriette L. Chandler	☐ *[District]* ☐
Jennifer L. Flanagan	☐ *[District]* ☐
Mark C. Montigny	☐ *[District]* ☐
James E. Timilty	☐ *[District]* ☐

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SENATE . . . . . No. 410

By Ms. Chandler, a petition (accompanied by bill, Senate, No. 410) of Harriette L. Chandler, Jennifer L. Flanagan, Mark C. Montigny and James E. Timilty for legislation to include fluoride varnish in all health insurance coverage in the commonwealth. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *463* OF 2009-2010.]

The Commonwealth of Massachusetts

An Act to include fluoride varnish in all health insurance coverage in the Commonwealth..

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, as appearing in the 2008 Official Edition, is hereby amended by adding the following section:–

Section 25. The commission shall provide to any active or retired employee of the commonwealth who is insured under the commission coverage for fluoride varnish for moderate to high caries risk patients. The department of public health shall promulgate rules and regulations establishing criteria for eligibility for coverage hereunder, provided that Qualified Physicians, Physician's Assistants, Nurse Practitioners, Registered Nurses, and Licensed Practical Nurses, and Certified Medical Assistants who have met the training requirements outlined by the department of public health shall provide this service.

SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after section 47Z the following section:–

Section 47AA. Any blanket or general policy of insurance, except a blanket or general policy of insurance which provides supplemental coverage to Medicare or other governmental programs, described in subdivision (A), (C) or (D) of section 110 which provides hospital expense and surgical expense insurance and which is issued or subsequently renewed by agreement between the insurer and the policy holder, within or without the commonwealth, during the period this section is effective, or any policy of accident or sickness insurance as

18 described in section 108 which provides hospital expense and surgical expense insurance, except
19 a policy which provides supplemental coverage to Medicare or other governmental programs,
20 and which is delivered or issued for delivery or subsequently renewed by agreement between the
21 insurer and the policy holder in the commonwealth, during the period that this section is
22 effective, or any employees' health and welfare fund which provides hospital expense and
23 surgical expense benefits and which is promulgated or renewed to any person or group of
24 persons in the commonwealth, while this section is effective, shall provide coverage for fluoride
25 varnish for moderate to high caries risk patients. The department of public health shall
26 promulgate rules and regulations establishing criteria for eligibility for coverage hereunder,
27 provided that Qualified Physicians, Physician's Assistants, Nurse Practitioners, Registered
28 Nurses, and Licensed Practical Nurses, and Certified Medical Assistants who have met the
29 training requirements outlined by the department of public health shall provide this service.

30 SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after
31 section 8BB the following section:–

32 Section 8CC. (a) A contract between a subscriber and the corporation under an
33 individual or group hospital service plan which provides hospital expense and surgical expense
34 insurance, except contracts providing supplemental coverage to Medicare or other governmental
35 programs, delivered, issued or renewed by agreement between the insurer and the policyholder,
36 within or without the commonwealth, shall provide benefits to all individual subscribers and
37 members within the commonwealth and to all group members having a principal place of
38 employment within the commonwealth for coverage for fluoride varnish for moderate to high
39 caries risk patients. The department of public health shall promulgate rules and regulations
40 establishing criteria for eligibility for coverage hereunder, provided that Qualified Physicians,
41 Physician's Assistants, Nurse Practitioners, Registered Nurses, and Licensed Practical Nurses,
42 and Certified Medical Assistants who have met the training requirements outlined by the
43 department of public health shall provide this service

44 SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after
45 section 4AA the following section:–

46 Section 4BB. Any subscription certificate under an individual or group medical service
47 agreement, except certificates which provide supplemental coverage to Medicare or other
48 governmental programs that shall be delivered, issued or renewed within the commonwealth
49 shall provide, as benefits to all individual subscribers or members within the commonwealth and
50 to all group members having a principal place of employment within the commonwealth,
51 coverage for fluoride varnish for moderate to high caries risk patients. The department of public
52 health shall promulgate rules and regulations establishing criteria for eligibility for coverage
53 hereunder, provided that Qualified Physicians, Physician's Assistants, Nurse Practitioners,
54 Registered Nurses, and Licensed Practical Nurses, and Certified Medical Assistants who have

55 met the training requirements outlined by the department of public health shall provide this
56 service

57 SECTION 5. Chapter 176G of the General Laws is hereby amended by inserting after
58 section 4S the following section:–

59 Section 4T. Individual and group health maintenance contracts shall provide coverage
60 for fluoride varnish for moderate to high caries risk patients. The department of public health
61 shall promulgate rules and regulations establishing criteria for eligibility for coverage hereunder,
62 provided that Qualified Physicians, Physician's Assistants, Nurse Practitioners, Registered
63 Nurses, and Licensed Practical Nurses, and Certified Medical Assistants who have met the
64 training requirements outlined by the department of public health shall provide this service

65 SECTION 6. This act shall apply to all policies, contracts, agreements, plans or
66 certificates of insurance issued or delivered within the commonwealth on or after January 1,
67 2014, or upon renewal to all policies, contracts, agreements, plans or certificates of insurance in
68 effect before January 1, 2010.