SENATE DOCKET, NO. 797 FILED ON: 1/20/2011

SENATE . . . . . No. 415

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

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 relative to special education health care costs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cynthia S. Creem	☐ *[District]* ☐
David Paul Linsky	*5th Middlesex*
Antonio F. D. Cabral	*13th Bristol*
James B. Eldridge	☐ *[District]* ☐
Kay Khan	*11th Middlesex*
Frank I. Smizik	*15th Norfolk*
Alice Hanlon Peisch	*14th Norfolk*

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By Ms. Creem, a petition (accompanied by bill, Senate, No. 415) of Cynthia S. Creem, David Paul Linsky, Antonio F. D. Cabral, James B. Eldridge and other members of the General Court for legislation relative to special education health care costs. Financial Services.

The Commonwealth of Massachusetts

An Act relative to special education health care costs.

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 26. The commission shall provide to an active or retired employee of the commonwealth who is insured under the group insurance commission benefits on a nondiscriminatory basis for the medically necessary treatment for disease, illness, injury, or bodily dysfunction which are required by a student's individual education program, individualized family service plan, individualized service plan or the federal Individuals with Disabilities Education Improvement Act.

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

Section 47BB. 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, which is issued or renewed within or without the commonwealth, shall provide benefits on a nondiscriminatory basis for the medically necessary treatment for disease, illness, injury, or bodily dysfunction which are required by a student's individual education program, individualized family service plan, individualized service plan or the federal Individuals with Disabilities Education Improvement Act.

SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after section 8DD the following section:-

Section 8EE. A contract between a subscriber and the corporation under an individual or group hospital service plan which is issued or renewed within or without the

23 commonwealth shall provide benefits on a nondiscriminatory basis for the medically necessary
24 treatment for disease, illness, injury, or bodily dysfunction which are required by a student's
25 individual education program, individualized family service plan, individualized service plan or
26 the federal Individuals with Disabilities Education Improvement Act.

27 SECTION 4. Chapter 176B of the General Laws is hereby amended by
28 inserting after section 4DD the following section:-

29 Section 4EE. A subscription certificate under an individual or group medical
30 service agreement which is issued or renewed within or without the commonwealth shall provide
31 benefits on a nondiscriminatory basis for the medically necessary treatment for disease, illness,
32 injury, or bodily dysfunction which are required by a student's individual education program,
33 individualized family service plan, individualized service plan or the federal Individuals with
34 Disabilities Education Improvement Act.

35 SECTION 5. Chapter 176G of the General Laws is hereby amended by
36 inserting after section 4V the following section:-

37 Section 4W. A health maintenance contract issued or renewed within or
38 without the commonwealth shall provide benefits on a nondiscriminatory basis for the medically
39 necessary treatment for disease, illness, injury, or bodily dysfunction which are required by a
40 student's individual education program, individualized family service plan, individualized
41 service plan or the federal Individuals with Disabilities Education Improvement Act.

42 SECTION 6. All policies, contracts and certificates of health insurance subject
43 to section 26 of chapter 32A, section 47BB of chapter 175, section 8EE of chapter 176A, section
44 4EE of chapter 176B, and section 4W of chapter 176G of the General Laws which are delivered,
45 issued or renewed on or after January 1, 2011 shall conform with the provisions of this act. Form
46 filings implementing this act shall be subject to the approval of the commissioner of insurance.

47 SECTION 8. This act shall take effect on January 1, 2012.