

**HOUSE . . . . . No. 1030**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Kay Khan*

*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 relative to anesthesia coverage for children hospitalized for dental treatment.

PETITION OF:

| NAME:                  | DISTRICT/ADDRESS:     | DATE ADDED:      |
|------------------------|-----------------------|------------------|
| <i>Kay Khan</i>        | <i>11th Middlesex</i> | <i>1/16/2019</i> |
| <i>Brian M. Ashe</i>   | <i>2nd Hampden</i>    | <i>1/21/2019</i> |
| <i>Sean Garballey</i>  | <i>23rd Middlesex</i> | <i>1/26/2019</i> |
| <i>José F. Tosado</i>  | <i>9th Hampden</i>    | <i>1/28/2019</i> |
| <i>Bud L. Williams</i> | <i>11th Hampden</i>   | <i>1/30/2019</i> |

**HOUSE . . . . . No. 1030**

By Ms. Khan of Newton, a petition (accompanied by bill, House, No. 1030) of Kay Khan and others relative to anesthesia coverage for children hospitalized for dental treatment. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 551 OF 2017-2018.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
In the One Hundred and Ninety-First General Court  
(2019-2020)  
\_\_\_\_\_

An Act relative to anesthesia coverage for children hospitalized for dental treatment.

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

1 SECTION 1. Chapter 175 of the General Laws, as so appearing in the 2016 Official  
2 Edition, is hereby amended by inserting after section 47II the following new section:-

3 Section 47JJ. Any individual policy of accident and sickness insurance issued pursuant to  
4 section 108 which provides hospital expense and surgical expense insurance, except policies  
5 providing supplemental coverage to Medicare or other governmental programs, and any group  
6 blanket policy of accident and sickness insurance issued pursuant to section 110 which provides  
7 hospital expense and surgical expense insurance, except policies providing supplemental  
8 coverage to Medicare or other governmental programs, delivered, issued or reviewed by  
9 agreement between the insurer and the policyholder, within or without the commonwealth, shall  
10 provide coverage for anesthesia and out-patient facility (hospital and ambulatory surgical center)

11 charges for dental care provided to a person who is a child under the age of six; or any person  
12 who is severely disabled, or has a medical condition and who requires hospitalization for dental  
13 care procedures in the same manner that prior authorization is required for hospitalization for  
14 other covered diseases or conditions. Said policy shall provide coverage for general anesthesia  
15 rendered by a qualified anesthesia provider or anesthesiologist and hospital costs for a medical  
16 condition covered by the policy, regardless of whether the services are provided in an  
17 ambulatory surgical center (ASC) or hospital.

18 SECTION 2. Chapter 176A of the General Laws, as appearing in the 2016 Official  
19 Edition, is hereby amended by inserting after section 8KK the following new section:-

20 Section 8LL. Any contract between a subscriber and the corporation under an individual  
21 or group hospital service plan or certificate of health insurance which provides hospital expense  
22 and surgical expense insurance, except contracts providing supplemental coverage to Medicare  
23 or other governmental programs, delivered, issued or renewed by agreement between the insurer  
24 and the policy holder, within or without the commonwealth, shall provide benefits for residents  
25 of the commonwealth and to all individuals and group members having a principal place of  
26 employment within the commonwealth for anesthesia and hospital charges for dental care  
27 provided to a person who is a child under the age of six; or any person who is severely disabled,  
28 or has a medical condition and who requires hospitalization or general anesthesia for dental care  
29 treatment. A carrier may require prior authorization of out-patient facility or hospitalization for  
30 dental care procedures in the same manner that prior authorization is required for hospitalization  
31 for other covered diseases or conditions. Said policy shall provide coverage for general  
32 anesthesia rendered by a qualified anesthesia provider or anesthesiologist and hospital costs for

33    aforementioned medical conditions covered by the policy, regardless of whether the services are  
34    provided in an ASC or hospital.

35           SECTION 3. Chapter 176B of the General Laws, as appearing in the 2016 Official  
36    Edition, is hereby amended by inserting a section 4KK the following new section:-

37           Section 4LL. Any subscription certificate under an individual group medical service  
38    agreement which provides hospital expense and surgical expense insurance, except certificates  
39    which provides supplemental coverage to Medicare or to other governmental programs,  
40    delivered, issued or renewed by agreement between insurer and the policyholder, within or  
41    without the commonwealth, shall provide benefits for all individual and group members having a  
42    principal place of employment within the commonwealth for anesthesia and ASC/hospital  
43    charges for dental care provided to a person who is a child under the age of six; or any person  
44    who is severely disabled, or has a medical condition and who requires hospitalization or general  
45    anesthesia for dental care treatment carrier may require prior authorization of hospitalization for  
46    dental care procedure in the same manner that prior authorization is required for hospitalization  
47    for other covered diseases or conditions. Said policy shall provide coverage for general  
48    anesthesia rendered by a qualified anesthesia provider or anesthesiologist and hospital costs for a  
49    medical condition covered by the policy, regardless of whether the services are provided in an  
50    ASC or hospital.

51           SECTION 4. Chapter 176E of the General Laws, as appearing in the 2016 Official  
52    Edition, is hereby amended by inserting after section 7 the following new section :-

53           Section 7A. Any contract between a subscriber and the corporation under an individual or  
54    group hospital service plan or certificate of health insurance which provides hospital expense and

55 surgical expense insurance, except contracts providing supplemental coverage to Medicare or  
56 other governmental programs, delivered, issued or renewed by agreement between the insurer  
57 and the policy holder, within or without the commonwealth, shall provide benefits for residents  
58 of the commonwealth and to all individuals and group members having a principal place of  
59 employment within the commonwealth for anesthesia and hospital charges for dental care  
60 provided to a person who is a child under the age of six; or any person who is severely disabled,  
61 or has a medical condition and who requires hospitalization or general anesthesia for dental care  
62 treatment. A carrier may require prior authorization of out-patient facility or hospitalization for  
63 dental care procedures in the same manner that prior authorization is required for hospitalization  
64 for other covered diseases or conditions. Said policy shall provide coverage for general  
65 anesthesia rendered by a qualified anesthesia provider or anesthesiologist and hospital costs for  
66 aforementioned medical conditions covered by the policy, regardless of whether the services are  
67 provided in an ASC or hospital.

68 SECTION 5. Chapter 176G of the General Laws, as appearing in the 2016 Official  
69 Edition, is hereby amended by inserting after section 4CC the following new section:-

70 Section 4DD. Any individual or group health maintenance contracts, except contracts  
71 providing supplemental coverage to Medicare or other governmental programs, delivered, issues  
72 or renewed by agreement between the insurer and the policyholder, within or without the  
73 commonwealth, shall provide benefits for all individual and group members having a principal  
74 place of employment within the commonwealth for anesthesia and ASC/hospital charges  
75 provided to a person who is a child under the age of six; or any person who is severely disabled,  
76 or has a medical condition and who requires hospitalization or general anesthesia for dental care  
77 treatment. A carrier may require prior authorization of hospitalization for dental care procedures

78 in the same manner that prior authorization is required for hospitalization for other covered  
79 diseases or conditions. Said policy shall provide coverage for general anesthesia rendered by a  
80 qualified anesthesia provider or anesthesiologist and hospital costs for aforementioned medical  
81 conditions covered by the policy, regardless of whether the services are provided in an ASC or  
82 hospital. Nothing in this section shall prohibit any health maintenance organization from  
83 requiring members seeking ASC care/hospitalization and anesthesia for dental care procedures to  
84 use a network provider.