

**HOUSE . . . . . No. 1028**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act to improve asthma management ..

*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 32A of the General Laws is hereby amended by inserting after  
2 section 17I the following section:-

3 Section 17J. The commission shall provide to any active or retired employee of the  
4 commonwealth or their dependents who are insured under the group insurance commission  
5 coverage for the following services and equipment in so far as said services and items are within  
6 a category of benefits or services for which coverage is otherwise afforded and have been  
7 prescribed by a health care professional legally authorized to prescribe such services for the  
8 management and treatment of asthma:

9 (a) All medically necessary equipment and services, including:

10 Inhaler spacers

11 Nebulizers, including face masks and tubing

12 Peak flow meters

13 Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest  
14 management services, if there is evidence of exposure sensitivity to specific allergens or  
15 evidence of conditions known to lead to sensitivity

16 (b) Asthma education and chronic disease management

17 (1) As used in this section, asthma education and chronic disease management shall mean  
18 instruction that will enable asthmatic patients and their families to understand the disease  
19 process, the daily management of asthma, and how to properly use the equipment identified in  
20 subdivision (a) following the national asthma management guidelines as published by the  
21 National Heart, Lung and Blood Institute. Said services shall include, at a minimum: (i)  
22 individualized education or group health education classes in an outpatient setting and (ii) home-  
23 based education in disease management and environmental assessment in order to identify and  
24 reduce exposures to allergens, as prescribed by a treating provider.

25 (2) Said services shall be provided by a certified asthma health care provider participating  
26 with the insurance contract or affiliated with a provider participating with the insurance contract.  
27 As used in this section, a “certified asthma health care provider” shall mean a licensed or  
28 registered health care professional, an asthma educator certified by the National Asthma  
29 Educator Certification Board, or a community health worker with training in chronic disease  
30 management as recognized by the Department of Public Health.

31 The benefits provided in this section shall meet all other terms and conditions within an  
32 insurance plan. Coverage shall not be reduced or eliminated due to the requirements of this  
33 section.

34 SECTION 2. Chapter 118E of the General Laws is hereby amended by inserting after  
35 section 10F, as so appearing, the following section:-

36 Section 10G. The office shall provide coverage for the following services and equipment  
37 in so far as said services and items are within a category of benefits or services for which  
38 coverage is otherwise afforded and have been prescribed by a health care professional legally  
39 authorized to prescribe such services for the management and treatment of asthma:

40 (a) All medically necessary equipment and services, including:

41 Inhaler spacers

42 Nebulizers, including face masks and tubing

43 Peak flow meters

44 Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest  
45 management services, if there is evidence of exposure sensitivity to specific allergens or  
46 evidence of conditions known to lead to sensitivity

47 (b) Asthma education and chronic disease management

48 (1) As used in this section, asthma education and chronic disease management shall mean  
49 instruction that will enable asthmatic patients and their families to understand the disease  
50 process, the daily management of asthma, and how to properly use the equipment identified in  
51 subdivision (a) following the national asthma management guidelines as published by the  
52 National Heart, Lung and Blood Institute. Said services shall include, at a minimum: (i)  
53 individualized education or group health education classes in an outpatient setting and (ii) home-

54 based education in disease management and environmental assessment in order to identify and  
55 reduce exposures to allergens, as prescribed by a treating provider.

56 (2) Said services shall be provided by a certified asthma health care provider participating  
57 with the insurance contract or affiliated with a provider participating with the insurance contract.

58 As used in this section, a “certified asthma health care provider” shall mean a licensed or  
59 registered health care professional, an asthma educator certified by the National Asthma  
60 Educator Certification Board, or a community health worker with training in chronic disease  
61 management as recognized by the Department of Public Health.

62 SECTION 3. Chapter 118H of the General Laws is hereby amended by inserting the  
63 following section:

64 Section 7. Any policy of insurance for accident or sickness, or agreement for medical or  
65 health services, which shall be delivered or issued or renewed or certified in this Commonwealth  
66 through the Commonwealth Care Health Insurance Program described in Chapter 118H of the  
67 General Laws, shall provide as a benefit to all individual subscribers and members within the  
68 Commonwealth, the following services and equipment in so far as said services and items are  
69 within a category of benefits or services for which coverage is otherwise afforded and have been  
70 prescribed by a health care professional legally authorized to prescribe such services for the  
71 management and treatment of asthma:

72 (a) All medically necessary equipment and services, including:

73 Inhaler spacers

74 Nebulizers, including face masks and tubing

75 Peak flow meters

76 Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest  
77 management services, if there is evidence of exposure sensitivity to specific allergens or  
78 evidence of conditions known to lead to sensitivity

79 (b) Asthma education and chronic disease management

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81 instruction that will enable asthmatic patients and their families to understand the disease  
82 process, the daily management of asthma, and how to properly use the equipment identified in  
83 subdivision (a) following the national asthma management guidelines as published by the  
84 National Heart, Lung and Blood Institute. Said services shall include, at a minimum: (i)  
85 individualized education or group health education classes in an outpatient setting and (ii) home-  
86 based education in disease management and environmental assessment in order to identify and  
87 reduce exposures to allergens, as prescribed by a treating provider.

88 (2) Said services shall be provided by a certified asthma health care provider participating  
89 with the insurance contract or affiliated with a provider participating with the insurance contract.

90 As used in this section, a “certified asthma health care provider” shall mean a licensed or  
91 registered health care professional, an asthma educator certified by the National Asthma  
92 Educator Certification Board, or a community health worker with training in chronic disease  
93 management as recognized by the Department of Public Health.

94 SECTION 4. Chapter 175 of the General Laws is hereby amended by inserting after  
95 section 47Z, as so appearing, the following section:-

96 Section 47AA. An individual policy of accident and sickness insurance issued pursuant to  
97 section 108 which provides hospital expense and surgical expense insurance, and any group  
98 blanket policy of accident and sickness insurance issued pursuant to section 110 which provides  
99 hospital expense and surgical expense insurance, delivered, issued or renewed by agreement  
100 between the insurer and the policyholder, within or without the commonwealth, shall provide  
101 coverage for the following services and items for subscribers with asthma in so far as said  
102 services and items are within a category of benefits or services for which coverage is otherwise  
103 afforded and have been prescribed by a health care professional legally authorized to prescribe  
104 such services for the management and treatment of asthma:

105 (a) All medically necessary equipment and services, including:

106 Inhaler spacers

107 Nebulizers, including face masks and tubing

108 Peak flow meters

109 Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest  
110 management services, if there is evidence of exposure sensitivity to specific allergens or  
111 evidence of conditions known to lead to sensitivity

112 (b) Asthma education and chronic disease management

113 (1) As used in this section, asthma education and chronic disease management shall mean  
114 instruction that will enable asthmatic patients and their families to understand the disease  
115 process, the daily management of asthma, and how to properly use the equipment identified in  
116 subdivision (a) following the national asthma management guidelines as published by the

117 National Heart, Lung and Blood Institute. Said services shall include, at a minimum: (i)  
118 individualized education or group health education classes in an outpatient setting and (ii) home-  
119 based education in disease management and environmental assessment in order to identify and  
120 reduce exposures to allergens, as prescribed by a treating provider.

121 (2) Said services shall be provided by a certified asthma health care provider participating  
122 with the insurance contract or affiliated with a provider participating with the insurance contract.  
123 As used in this section, a “certified asthma health care provider” shall mean a licensed or  
124 registered health care professional, an asthma educator certified by the National Asthma  
125 Educator Certification Board, or a community health worker with training in chronic disease  
126 management as recognized by the Department of Public Health.

127 The benefits provided in this section shall meet all other terms and conditions within a  
128 subscription certificate. Hospital service plans shall not reduce or eliminate coverage due to the  
129 requirements of this section.

130 SECTION 5. Chapter 176A of the General Laws is hereby amended by inserting after  
131 section 8BB, as so appearing, the following section:-

132 Section 8CC. Any contract between a subscriber and the corporation under an individual  
133 or group hospital service plan, which shall be delivered, issued or renewed by agreement  
134 between the insurer and the policyholder, within or without the commonwealth, shall provide  
135 coverage for the following services and items for subscribers with asthma in so far as said  
136 services and items are within a category of benefits or services for which coverage is otherwise  
137 afforded and have been prescribed by a health care professional legally authorized to prescribe  
138 such services for the management and treatment of asthma:

139 (a) All medically necessary equipment and services, including:

140 Inhaler spacers

141 Nebulizers, including face masks and tubing

142 Peak flow meters

143 Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest  
144 management services, if there is evidence of exposure sensitivity to specific allergens or  
145 evidence of conditions known to lead to sensitivity

146 (b) Asthma education and chronic disease management

147 (1) As used in this section, asthma education and chronic disease management shall mean  
148 instruction that will enable asthmatic patients and their families to understand the disease  
149 process, the daily management of asthma, and how to properly use the equipment identified in  
150 subdivision (a) following the national asthma management guidelines as published by the  
151 National Heart, Lung and Blood Institute. Said services shall include, at a minimum: (i)  
152 individualized education or group health education classes in an outpatient setting and (ii) home-  
153 based education in disease management and environmental assessment in order to identify and  
154 reduce exposures to allergens, as prescribed by a treating provider.

155 (2) Said services shall be provided by a certified asthma health care provider participating  
156 with the insurance contract or affiliated with a provider participating with the insurance contract.

157 As used in this section, a “certified asthma health care provider” shall mean a licensed or  
158 registered health care professional, an asthma educator certified by the National Asthma

159 Educator Certification Board, or a community health worker with training in chronic disease  
160 management as recognized by the Department of Public Health.

161 The benefits provided in this section shall meet all other terms and conditions within a  
162 subscription certificate. Medical service agreements shall not reduce or eliminate coverage due  
163 to the requirements of this section.

164 SECTION 6. Chapter 176B of the General Laws is hereby amended by inserting after  
165 section 4BB, as so appearing, the following section:-

166 Section 4CC. (a) Any subscription certificate under an individual or group medical  
167 service agreement which shall be delivered, issued or renewed within the commonwealth shall  
168 provide as benefits to all individual subscribers or members within the commonwealth and to all  
169 group members having a principal place of employment within the commonwealth, shall provide  
170 coverage for following services and items for subscribers with asthma in so far as said services  
171 and items are within a category of benefits or services for which coverage is otherwise afforded  
172 and have been prescribed by a health care professional legally authorized to prescribe such  
173 services for the management and treatment of asthma:

174 (a) All medically necessary equipment and services, including:

175 Inhaler spacers

176 Nebulizers, including face masks and tubing

177 Peak flow meters

178 Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest  
179 management services, if there is evidence of exposure sensitivity to specific allergens or  
180 evidence of conditions known to lead to sensitivity

181 (b) Asthma education and chronic disease management

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183 instruction that will enable asthmatic patients and their families to understand the disease  
184 process, the daily management of asthma, and how to properly use the equipment identified in  
185 subdivision (a) following the national asthma management guidelines as published by the  
186 National Heart, Lung and Blood Institute. Said services shall include, at a minimum: (i)  
187 individualized education or group health education classes in an outpatient setting and (ii) home-  
188 based education in disease management and environmental assessment in order to identify and  
189 reduce exposures to allergens, as prescribed by a treating provider.

190 (2) Said services shall be provided by a certified asthma health care provider participating  
191 with the insurance contract or affiliated with a provider participating with the insurance contract.  
192 As used in this section, a “certified asthma health care provider” shall mean a licensed or  
193 registered health care professional, an asthma educator certified by the National Asthma  
194 Educator Certification Board, or a community health worker with training in chronic disease  
195 management as recognized by the Department of Public Health.

196 The benefits provided in this section shall meet all other terms and conditions within a  
197 subscription certificate. Medical service agreements shall not reduce or eliminate coverage due  
198 to the requirements of this section.

199 SECTION 7. Chapter 176G of the General Laws is hereby amended by inserting after  
200 section 4T, as so appearing, the following section:-

201 Section 4U. Any individual or group health maintenance contract delivered, issued or  
202 renewed by agreement between the insurer and the policyholder, within or without the  
203 commonwealth, shall provide coverage for the following services and items for subscribers with  
204 asthma in so far as said services and items are within a category of benefits or services for which  
205 coverage is otherwise afforded and have been prescribed by a health care professional legally  
206 authorized to prescribe such services for the management and treatment of asthma:

207 (a) All medically necessary equipment and services, including:

208 Inhaler spacers

209 Nebulizers, including face masks and tubing

210 Peak flow meters

211 Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest  
212 management services, if there is evidence of exposure sensitivity to specific allergens or  
213 evidence of conditions known to lead to sensitivity

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216 instruction that will enable asthmatic patients and their families to understand the disease  
217 process, the daily management of asthma, and how to properly use the equipment identified in  
218 subdivision (a) following the national asthma management guidelines as published by the  
219 National Heart, Lung and Blood Institute. Said services shall include, at a minimum: (i)

220 individualized education or group health education classes in an outpatient setting and (ii) home-  
221 based education in disease management and environmental assessment in order to identify and  
222 reduce exposures to allergens, as prescribed by a treating provider.

223 (2) Said services shall be provided by a certified asthma health care provider participating  
224 with the insurance contract or affiliated with a provider participating with the insurance contract.

225 As used in this section, a “certified asthma health care provider” shall mean a licensed or  
226 registered health care professional, an asthma educator certified by the National Asthma  
227 Educator Certification Board, or a community health worker with training in chronic disease  
228 management as recognized by the Department of Public Health.

229 The benefits provided in this section shall meet all other terms and conditions within a  
230 health maintenance contract. Health maintenance contracts shall not reduce or eliminate  
231 coverage due to the requirements of this section.