SENATE DOCKET, NO. 1451 FILED ON: 1/14/2009

SENATE . . . . . No. 463

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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 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 described in section 108 which provides hospital expense and surgical expense insurance, except a policy which provides supplemental coverage to Medicare or other governmental programs, and which is delivered or issued for delivery or subsequently renewed by agreement between the insurer and the policy holder in the commonwealth, during the period that this section is effective, or any employees' health and welfare fund which provides hospital expense and surgical expense benefits and which is promulgated or renewed to any person or group of persons in the commonwealth, while this section is effective, shall provide 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 3. Chapter 176A of the General Laws is hereby amended by inserting after section 8BB the following section:–

Section 8CC. (a) A contract between a subscriber and the corporation under an individual or group hospital service plan which provides hospital expense and surgical expense insurance, except contracts providing supplemental coverage to Medicare or other governmental programs, delivered, issued or renewed by agreement between the insurer and the policyholder, within or without the commonwealth, shall provide benefits to all individual subscribers and

members within the commonwealth and to all group members having a principal place of employment within the commonwealth for 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 4. Chapter 176B of the General Laws is hereby amended by inserting after section 4AA the following section:–

Section 4BB. Any subscription certificate under an individual or group medical service agreement, except certificates which provide supplemental coverage to Medicare or other governmental programs that shall be delivered, issued or renewed within the commonwealth shall provide, as benefits to all individual subscribers or members within the commonwealth and to all group members having a principal place of employment within the commonwealth, 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 5. Chapter 176G of the General Laws is hereby amended by inserting after section 4S the following section:–

Section 4T. Individual and group health maintenance contracts shall provide 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 6. This act shall apply to all policies, contracts, agreements, plans or certificates of insurance issued or delivered within the commonwealth on or after January 1, 2014, or upon renewal to all policies, contracts, agreements, plans or certificates of insurance in effect before January 1, 2010.