

SENATE No. 464

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to Mandate Insurance Coverage For Bone Mass Measurement Testing For The Diagnosis Of Osteoporosis..

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 appearing in the 2006 Official
2 Edition, is hereby amended by inserting after section 47Z the following section:-

3 Section 47AA. Any blanket or general policy of insurance described in subdivision (A),
4 (C), or (D) of section one hundred and ten which is issued or subsequently renewed by
5 agreement between the insurer and the policyholder, within or without the commonwealth,
6 during the period within which this premium is effective, or any policy of accident or sickness
7 insurance as described in section one hundred and eight which provides hospital expense and
8 surgical expense insurance and which is delivered or issued for delivery or subsequently renewed
9 by agreement between the insurer and the policyholder in the commonwealth, during the period
10 within which this provision is effective, or any employers' health and welfare fund which
11 provides hospital expense and surgical expense benefits and which is issued or renewed to any
12 person or group of persons in the commonwealth, during the period within which this provision
13 is effective,

14 shall provide coverage to residents of the commonwealth for bone densitometry,
15 including but not limited to single photon absorptiometry, dual photon absorptiometry and dual
16 x-ray absorptiometry. Said benefits shall be provided in accordance with rules and regulations
17 promulgated by the commissioner of insurance in consultation with the commissioner of public
18 health.

19 SECTION 2. Chapter 176A of the General laws, as appearing in the 2006 Official
20 Edition, is hereby amended by inserting after section 8AA the following section:-

21 Section 8AB. Any contract, except contracts providing supplemental coverage to
22 medicare or other governmental programs, between a subscriber and the corporation under an
23 individual group hospital service plan which shall be delivered, issued or renewed in the
24 commonwealth shall provide, as a basic benefit to all individual subscribers and members within
25 the commonwealth and to all group members having a principal place of employment within the
26 commonwealth, coverage for bone densitometry, including but not limited to single photon
27 absorptiometry, dual photon absorptiometry and dual x-ray absorptiometry. Said benefits shall
28 be provided in accordance with rules and regulations promulgated by the commissioner of
29 insurance in consultation with the commissioner of public health.

30 SECTION 3. Chapter 176B of the General laws, as appearing in the 2006 Official
31 Edition, is hereby amended by inserting after section 4AA the following section:-

32 Section 4AB. Any subscription certificate under an individual or group medical service
33 agreement, except certificates which provide supplemental coverage to Medicare or other
34 governmental programs, which shall be delivered or issued or renewed in the commonwealth
35 shall provide as benefits to all individual subscribers and members within the commonwealth

36 and to all group members having a principal place of employment within the commonwealth,
37 coverage for bone densitometry, including but not limited to single photon absorptiometry, dual
38 photon absorptiometry and dual x-ray absorptiometry. Said benefits shall be provided in
39 accordance with rules and regulations promulgated by the commissioner of insurance in
40 consultation with the commissioner of public health.

41 SECTION 4. The first paragraph of section 4 of chapter 176G of the General laws, as
42 appearing in the 2006 Official Edition, is hereby amended by inserting after the last sentence on
43 line 26 the following sentence:-

44 “Such health maintenance contract shall also provide coverage for medically necessary
45 bone densitometry as set forth in section forty-seven AA of chapter one hundred and seventy-
46 five.”

47 SECTION 5. The commissioner of insurance, in consultation with the commissioner of
48 public health, shall promulgate rules and regulations under the authority of sections 47AA of
49 chapter 175, section 8AB of chapter 176A, section 4AB of chapter 176B, setting forth
50 requirements and conditions of coverage for bone densitometry; requirements and conditions of
51 coverage shall include: (a) for women who have falling estrogen levels, and who are not already
52 using estrogen replacement therapy, coverage shall include the expense of two bone density tests
53 in a lifetime provided that no other clinical indications of rapid bone loss arise, in which case
54 coverage shall not be limited, but shall be provided as necessary; and (b) coverage shall be
55 provided as necessary for patients who are diagnosed with a clinical condition, other than a
56 falling estrogen level, which indicates rapid bone loss. In setting such requirements and
57 conditions with respect to conditions other than a falling estrogen level which indicate rapid bone

58 loss, the commissioner of insurance shall review the recommendations of the National
59 Osteoporosis Foundation. Said rules and regulations shall be promulgated in accordance with
60 the requirements of sections two through six of chapter thirty A.