

**SENATE . . . . . No. 496**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act Relative to Promoting Patient Access and Affordability in Treating Eye and Vision.

*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 Edition,  
2 shall be amended, after section 108G, by inserting the following new section:-

3 “Section 108H. (1) No person shall interfere with the exercise of another person’s  
4 selection to seek treatment from a health care provider licensed under chapter 112.

5 (2) If any accident or health insurance plan, contract or agreement offers health care  
6 benefits which provide ophthalmologic care for any person, partnership, corporation, association  
7 or group, however organized, such accident or health insurance plan, contract or agreement shall  
8 provide optometric care. If the ophthalmologic care provided may be lawfully rendered by an  
9 optometrist, such plan, contract or agreement shall provide the identical eye care coverage and  
10 benefits for its members when such care is rendered by an optometrist under such accident or  
11 health insurance plan, contract or agreement. Such accident or health insurance plan, contract or  
12 agreement shall provide for (1) contracting with ophthalmologists and optometrists in a manner  
13 which will provide an equal proportion of duly licensed provider types in relation to the benefits

14 provided by such accident or health insurance plan, contract or agreement, and (2) equally  
15 inform its members of the availability of ophthalmologic and optometric services.

16 (3) The commissioner shall adopt regulations to carry out the provisions of subsection (b)  
17 of this section as necessary.

18 SECTION 2. Chapter 176A of the General Laws, as appearing in the 2006 Official  
19 Edition, shall be amended, after section 32, by inserting the following new section:-

20 “Section 33. (1) No person shall interfere with the exercise of another person’s selection  
21 to seek treatment from a health care provider licensed under chapter 112.

22 (2) If any accident or health insurance plan, contract or agreement offers health care  
23 benefits which provide ophthalmologic care for any person, partnership, corporation, association  
24 or group, however organized, such accident or health insurance plan, contract or agreement shall  
25 provide optometric care. If the ophthalmologic care provided may be lawfully rendered by an  
26 optometrist, such plan, contract or agreement shall provide the identical eye care coverage and  
27 benefits for its members when such care is rendered by an optometrist under such accident or  
28 health insurance plan, contract or agreement. Such accident or health insurance plan, contract or  
29 agreement shall provide for (1) contracting with ophthalmologists and optometrists in a manner  
30 which will provide an equal proportion of duly licensed provider types in relation to the benefits  
31 provided by such accident or health insurance plan, contract or agreement, and (2) equally  
32 inform its members of the availability of ophthalmologic and optometric services.

33 (3) The commissioner shall adopt regulations to carry out the provisions of subsection (b)  
34 of this section as necessary.

35 SECTION 3. Chapter 176B of the General Laws, as appearing in the 2006 Official  
36 Edition, shall be amended, after section 4R, by inserting the following new section:-

37 “Section 4S. (1) No person shall interfere with the exercise of another person’s selection  
38 to seek treatment from health care provider licensed under chapter 112.

39 (2) If any accident or health insurance plan, contract or agreement offers health care  
40 benefits which provide ophthalmologic care for any person, partnership, corporation, association  
41 or group, however organized, such accident or health insurance plan, contract or agreement shall  
42 provide optometric care. If the ophthalmologic care provided may be lawfully rendered by an  
43 optometrist, such plan, contract or agreement shall provide the identical eye care coverage and  
44 benefits for its members when such care is rendered by an optometrist under such accident or  
45 health insurance plan, contract or agreement. Such accident or health insurance plan, contract or  
46 agreement shall provide for (1) contracting with ophthalmologists and optometrists in a manner  
47 which will provide an equal proportion of duly licensed provider types in relation to the benefits  
48 provided by such accident or health insurance plan, contract or agreement, and (2) equally  
49 inform its members of the availability of ophthalmologic and optometric services.

50 (3) The commissioner shall adopt regulations to carry out the provisions of subsection (b)  
51 of this section as necessary.

52 SECTION 4. Chapter 176C of the General Laws, as appearing in the 2004 Official  
53 Edition, shall be amended, after section 4Q, by inserting the following new section:-

54 “Section 4R. (1) No person shall interfere with the exercise of another person’s selection  
55 to seek treatment from health care provider licensed under chapter 112.

56 (2) If any accident or health insurance plan, contract or agreement offers health care  
57 benefits which provide ophthalmologic care for any person, partnership, corporation, association  
58 or group, however organized, such accident or health insurance plan, contract or agreement shall  
59 provide optometric care. If the ophthalmologic care provided may be lawfully rendered by an  
60 optometrist, such plan, contract or agreement shall provide the identical eye care coverage and  
61 benefits for its members when such care is rendered by an optometrist under such accident or  
62 health insurance plan, contract or agreement. Such accident or health insurance plan, contract or  
63 agreement shall provide for (1) contracting with ophthalmologists and optometrists in a manner  
64 which will provide an equal proportion of duly licensed provider types in relation to the benefits  
65 provided by such accident or health insurance plan, contract or agreement, and (2) equally  
66 inform its members of the availability of ophthalmologic and optometric services.

67 (3) The commissioner shall adopt regulations to carry out the provisions of subsection (b)  
68 of this section as necessary.

69 SECTION 5. Chapter 176G of the General Laws, as appearing in the 2004 Official  
70 Edition, shall be amended, after section 4J, by inserting the following new section:-

71 “Section 4K. (1) No person shall interfere with the exercise of another person’s selection  
72 to seek treatment from health care provider licensed under chapter 112.

73 (2) If any accident or health insurance plan, contract or agreement offers health care  
74 benefits which provide ophthalmologic care for any person, partnership, corporation, association  
75 or group, however organized, such accident or health insurance plan, contract or agreement shall  
76 provide optometric care. If the ophthalmologic care provided may be lawfully rendered by an  
77 optometrist, such plan, contract or agreement shall provide the identical eye care coverage and

78 benefits for its members when such care is rendered by an optometrist under such accident or  
79 health insurance plan, contract or agreement. Such accident or health insurance plan, contract or  
80 agreement shall provide for (1) contracting with ophthalmologists and optometrists in a manner  
81 which will provide an equal proportion of duly licensed provider types in relation to the benefits  
82 provided by such accident or health insurance plan, contract or agreement, and (2) equally  
83 inform its members of the availability of ophthalmologic and optometric services.

84 (3) The commissioner shall adopt regulations to carry out the provisions of subsection (b)  
85 of this section as necessary.