

**SENATE . . . . . No. 510**

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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 a Dental, Prescription, and Vision Coverage Opt-Out Clause ..

*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 111M of the General Laws, as appearing in the 2006 Official  
2 Edition, is hereby amended by adding to Section 1 at the end of that section the following  
3 paragraphs:

4           “Minimum Creditable Coverage” may include an individual or group health plan as  
5 described by Section 1 of Chapter 111M notwithstanding that any such health plan does not  
6 include any of the following:

- 7           (i) dental coverage;
- 8           (ii) prescription coverage;
- 9           (iii) vision coverage;

10           provided that the individual covered by such plan elects in writing to opt out of the  
11 coverages (i)-(iii) above or any one of them.

12           To opt out, the covered individual shall file a written opt out election with his health plan  
13 provider stating which coverage has not been elected (i)-(iii). An opt out election shall be filed  
14 annually by the covered person by January 15 for the current year to which the election applies  
15 or during the open enrollment period for his plan. The covered individual shall retain a copy of  
16 the opt out election filed with his health plan provider.

17           This opt out election satisfies the requirement for demonstrating creditable coverage  
18 under paragraph 1(a). This opt out election also qualifies a taxpayer under paragraph 2(b) to  
19 indicate to the Commissioner of Revenue that such person, as of the last day of the taxable year  
20 for which the return is filed has creditable coverage in force as required by paragraph (a).