

SENATE No. 529

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen J. Buoniconti

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to improve asthma management.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Stephen J. Buoniconti	Hampden
Steven A. Tolman	Second Suffolk and Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 (1) Inhaler spacers
11 (2) Nebulizers, including face masks and tubing
12 (3) Peak flow meters

13 (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest
14 management services, if there is evidence of exposure sensitivity to specific
15 allergens or 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
20 in 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)
23 home-based education in disease management and environmental assessment in order to
24 identify and 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
27 contract. As used in this section, a “certified asthma health care provider” shall mean a
28 licensed or registered health care professional, an asthma educator certified by the National
29 Asthma Educator Certification Board, or a community health worker with training in chronic
30 disease 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 (1) Inhaler spacers

42 (2) Nebulizers, including face masks and tubing

43 (3) Peak flow meters

44 (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest
45 management services, if there is evidence of exposure sensitivity to specific
46 allergens or 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
51 in 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)
54 home-based education in disease management and environmental assessment in order to
55 identify and 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
58 contract. As used in this section, a “certified asthma health care provider” shall mean a
59 licensed or registered health care professional, an asthma educator certified by the National
60 Asthma Educator Certification Board, or a community health worker with training in chronic
61 disease 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 (5) Inhaler spacers

74 (6) Nebulizers, including face masks and tubing

75 (7) Peak flow meters

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

79 (b) Asthma education and chronic disease management

80 (1) As used in this section, asthma education and chronic disease management shall mean
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
83 in 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)
86 home-based education in disease management and environmental assessment in order to
87 identify and 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
90 contract. As used in this section, a “certified asthma health care provider” shall mean a
91 licensed or registered health care professional, an asthma educator certified by the National
92 Asthma Educator Certification Board, or a community health worker with training in chronic
93 disease management as recognized by the Department of Public Health.

94 **SECTION 4.** Chapter 175 of the General Laws is hereby amended by inserting after section
95 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 (1) Inhaler spacers

107 (2) Nebulizers, including face masks and tubing

108 (3) Peak flow meters

109 (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest
110 management services, if there is evidence of exposure sensitivity to specific allergens
111 or 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
116 in 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)

119 home-based education in disease management and environmental assessment in order to
120 identify and 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
123 contract. As used in this section, a “certified asthma health care provider” shall mean a
124 licensed or registered health care professional, an asthma educator certified by the National
125 Asthma Educator Certification Board, or a community health worker with training in chronic
126 disease 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 (1) Inhaler spacers
141 (2) Nebulizers, including face masks and tubing
142 (3) Peak flow meters
143 (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest
144 management services, if there is evidence of exposure sensitivity to specific
145 allergens or 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
150 in 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)
153 home-based education in disease management and environmental assessment in order to
154 identify and 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 (1) Inhaler spacers
- 176 (2) Nebulizers, including face masks and tubing
- 177 (3) Peak flow meters
- 178 (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest
179 management services, if there is evidence of exposure sensitivity to specific
180 allergens or evidence of conditions known to lead to sensitivity

181 (b) Asthma education and chronic disease management

182 (1) As used in this section, asthma education and chronic disease management shall mean
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
185 in 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)
188 home-based education in disease management and environmental assessment in order to
189 identify and 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
192 contract. As used in this section, a “certified asthma health care provider” shall mean a
193 licensed or registered health care professional, an asthma educator certified by the National
194 Asthma Educator Certification Board, or a community health worker with training in chronic
195 disease 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 (1) Inhaler spacers

209 (2) Nebulizers, including face masks and tubing

210 (3) Peak flow meters

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

214 (b) Asthma education and chronic disease management

215 (1) As used in this section, asthma education and chronic disease management shall mean
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
218 in 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)
221 home-based education in disease management and environmental assessment in order to
222 identify and 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
225 contract. As used in this section, a “certified asthma health care provider” shall mean a

226 licensed or registered health care professional, an asthma educator certified by the National
227 Asthma Educator Certification Board, or a community health worker with training in chronic
228 disease 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 health
230 maintenance contract. Health maintenance contracts shall not reduce or eliminate coverage due
231 to the requirements of this section.