SENATE DOCKET, NO. 1109 FILED ON: 1/20/2011

SENATE . . . . . No. 404

The Commonwealth of Massachusetts

PRESENTED BY:

Frederick E. Berry

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 adoption of the accompanying bill:

An Act relative to anesthesia coverage for children hospitalized for dental treatment..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Frederick E. Berry	

SENATE DOCKET, NO. 1109 FILED ON: 1/20/2011

SENATE . . . . . No. 404

By Mr. Berry, a petition (accompanied by bill, Senate, No. 404) of Frederick E. Berry for legislation relative to anesthesia coverage for children hospitalized for dental treatment. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *448* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to anesthesia coverage for children hospitalized for dental treatment..

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 175 of the General Laws, as so appearing in the 2006 Official Edition, is hereby amended by inserting after section 47T the following new section:-

Section 47U. Any individual policy of accident and sickness insurance issued pursuant to section 108 which provides hospital expense and surgical expense insurance, except policies providing supplemental coverage to medicare or other governmental programs, and any group blanket policy of accident and sickness insurance issued pursuant to section 110 which provides hospital expense and surgical expense insurance, except policies providing supplemental coverage to medicare or other governmental programs, delivered, issued or reviewed by agreement between the insurer and the policyholder, within or without the commonwealth, shall provide coverage for anesthesia and out-patient facility (hospital and ambulatory surgical center)

11 charges for dental care provided to a person who is a child under the age of six; or is severely
12 disabled, or has a medical condition and who requires hospitalization for dental care procedures
13 in the same manner that prior authorization is required for hospitalization for other covered
14 diseases or conditions. Said policy shall provide coverage for general anesthesia rendered by an
15 anesthesiologist and hospital costs for a medical condition covered by the policy, regardless of
16 whether the services are provided in an ambulatory surgical center (ASC) or hospital.

17 SECTION 2. Chapter 176A of the General Laws, as appearing in the 2006 Official
18 Edition, is hereby amended by inserting after section 8AA the following new section:- Section
19 8AB. Any contract between a subscriber and the corporation under an individual or group
20 hospital service plan or certificate of health insurance which provides hospital expense and
21 surgical expense insurance, except contracts providing supplemental coverage to Medicare or
22 other governmental programs, delivered, issued or renewed by agreement between the insurer
23 and the policy holder, within or without the commonwealth, shall provide benefits for residents
24 of the commonwealth and to all individuals and group members having a principal place of
25 employment within the commonwealth for anesthesia and hospital charges for dental care
26 provided to a person who is a child under the age of six; or is severely disabled, or has a medical
27 condition and who requires hospitalization or general anesthesia for dental care treatment. A
28 carrier may require prior authorization of out-patient facility or hospitalization for dental care
29 procedures in the same manner that prior authorization is required for hospitalization for other
30 covered diseases or conditions. Said policy shall provide coverage for general anesthesia
31 rendered by an anesthesiologist and hospital costs for aforementioned medical conditions
32 covered by the policy, regardless of whether the services are provided in an ASC or hospital.

33 SECTION 3. Chapter 176B of the General Laws, as appearing in the 2006 Official
34 Edition, is hereby amended by inserting a section 4R the following new section:- Section 4S.
35 Any subscription certificate under an individual group medical service agreement which
36 provides hospital expense and surgical expense insurance, except certificates which provides
37 supplemental coverage to medicare or to other governmental programs, delivered, issued or
38 renewed by agreement between insurer and the policyholder, within or without the
39 commonwealth, shall provide benefits for all individual and group members having a principal
40 place of employment within the commonwealth for anesthesia and ASC/hospital charges for
41 dental care provided to a person who is a child under the age of six; or is severely disabled, or
42 has a medical condition and who requires hospitalization or general anesthesia for dental care
43 treatment carrier may require prior authorization of hospitalization for dental care procedure in
44 the same manner that prior authorization is required for hospitalization for other covered diseases
45 or conditions. Said policy shall provide coverage for general anesthesia rendered by an
46 anesthesiologist and hospital costs for a medical condition covered by the policy, regardless of
47 whether the services are provided in an ASC or hospital.

48 SECTION 4. Chapter 176G of the General Laws, as appearing in the 2006 Official
49 Edition, is hereby amended by inserting after section 4Q the following new section :- Section 4R.
50 Any individual or group health maintenance contracts, except contracts providing supplemental
51 coverage to medicare or other governmental programs, delivered, issues or renewed by
52 agreement between the insurer and the policyholder, within or without the commonwealth, shall
53 provide benefits for all individual and group members having a principal place of employment
54 within the commonwealth for anesthesia and ASC/hospital charges provided to a person who is a
55 child under the age of six; or is severely disabled, or has a medical condition and who requires

56 hospitalization or general anesthesia for dental care treatment. A carrier may require prior
57 authorization of hospitalization for dental care procedures in the same manner that prior
58 authorization is required for hospitalization for other covered diseases or conditions. Said policy
59 shall provide coverage for general anesthesia rendered by an anesthesiologist and hospital costs
60 for aforementioned medical conditions covered by the policy, regardless of whether the services
61 are provided in an ASC or hospital. Nothing in this section shall prohibit any health maintenance
62 organization from requiring members seeking ASC care/hospitalization and anesthesia for dental
63 care procedures to use a network provider.