

**SENATE . . . . . No. 446**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Richard T. Moore***

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*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 promoting patient access and affordability in treating eye and vision conditions.

\_\_\_\_\_  
PETITION OF:

NAME:

*Richard T. Moore*

DISTRICT/ADDRESS:

**SENATE . . . . . No. 446**

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By Mr. Moore, a petition (accompanied by bill, Senate, No. 446) of Richard T. Moore for legislation to promote patient access and affordability in treating eye and vision. Financial Services.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 496 OF 2009-2010.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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An Act relative to promoting patient access and affordability in treating eye and vision conditions.

*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 2008  
2 Official Edition, 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  
4 person’s 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  
6 care benefits which provide ophthalmologic care for any person, partnership, corporation,  
7 association or group, however organized, such accident or health insurance plan, contract or  
8 agreement shall provide optometric care. If the ophthalmologic care provided may be lawfully  
9 rendered by an optometrist, such plan, contract or agreement shall provide the identical eye care

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

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

18 SECTION 2. Chapter 176A of the General Laws, as appearing in the 2008  
19 Official 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  
21 selection 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  
23 care benefits which provide ophthalmologic care for any person, partnership, corporation,  
24 association or group, however organized, such accident or health insurance plan, contract or  
25 agreement shall provide optometric care. If the ophthalmologic care provided may be lawfully  
26 rendered by an optometrist, such plan, contract or agreement shall provide the identical eye care  
27 coverage and benefits for its members when such care is rendered by an optometrist under such  
28 accident or health insurance plan, contract or agreement. Such accident or health insurance plan,  
29 contract or agreement shall provide for (1) contracting with ophthalmologists and optometrists in  
30 a manner which will provide an equal proportion of duly licensed provider types in relation to

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

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

35 SECTION 3. Chapter 176B of the General Laws, as appearing in the 2008  
36 Official 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  
38 selection 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  
40 care benefits which provide ophthalmologic care for any person, partnership, corporation,  
41 association or group, however organized, such accident or health insurance plan, contract or  
42 agreement shall provide optometric care. If the ophthalmologic care provided may be lawfully  
43 rendered by an optometrist, such plan, contract or agreement shall provide the identical eye care  
44 coverage and benefits for its members when such care is rendered by an optometrist under such  
45 accident or health insurance plan, contract or agreement. Such accident or health insurance plan,  
46 contract or agreement shall provide for (1) contracting with ophthalmologists and optometrists in  
47 a manner which will provide an equal proportion of duly licensed provider types in relation to  
48 the benefits provided by such accident or health insurance plan, contract or agreement, and (2)  
49 equally inform its members of the availability of ophthalmologic and optometric services.

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

52 SECTION 4. Chapter 176C of the General Laws, as appearing in the 2008  
53 Official 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  
57 care benefits which provide ophthalmologic care for any person, partnership, corporation,  
58 association or group, however organized, such accident or health insurance plan, contract or  
59 agreement shall provide optometric care. If the ophthalmologic care provided may be lawfully  
60 rendered by an optometrist, such plan, contract or agreement shall provide the identical eye care  
61 coverage and benefits for its members when such care is rendered by an optometrist under such  
62 accident or health insurance plan, contract or agreement. Such accident or health insurance plan,  
63 contract or agreement shall provide for (1) contracting with ophthalmologists and optometrists in  
64 a manner which will provide an equal proportion of duly licensed provider types in relation to  
65 the benefits provided by such accident or health insurance plan, contract or agreement, and (2)  
66 equally inform its members of the availability of ophthalmologic and optometric services.

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

69 SECTION 5. Chapter 176G of the General Laws, as appearing in the 2008  
70 Official 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  
74 care benefits which provide ophthalmologic care for any person, partnership, corporation,  
75 association or group, however organized, such accident or health insurance plan, contract or  
76 agreement shall provide optometric care. If the ophthalmologic care provided may be lawfully  
77 rendered by an optometrist, such plan, contract or agreement shall provide the identical eye care  
78 coverage and benefits for its members when such care is rendered by an optometrist under such  
79 accident or health insurance plan, contract or agreement. Such accident or health insurance plan,  
80 contract or agreement shall provide for (1) contracting with ophthalmologists and optometrists in  
81 a manner which will provide an equal proportion of duly licensed provider types in relation to  
82 the benefits provided by such accident or health insurance plan, contract or agreement, and (2)  
83 equally inform its members of the availability of ophthalmologic and optometric services.

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