

SENATE No. 446

The Commonwealth of Massachusetts

PRESENTED BY:

Richard T. Moore

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

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.

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

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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

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

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

SECTION 2. Chapter 176A of the General Laws, as appearing in the 2008 Official Edition, shall be amended, after section 32, by inserting the following new section:-

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

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

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

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

SECTION 3. Chapter 176B of the General Laws, as appearing in the 2008 Official Edition, shall be amended, after section 4R, by inserting the following new section:-

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

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

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

SECTION 4. Chapter 176C of the General Laws, as appearing in the 2008 Official Edition, shall be amended, after section 4Q, by inserting the following new section:-

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

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

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

SECTION 5. Chapter 176G of the General Laws, as appearing in the 2008 Official Edition, shall be amended, after section 4J, by inserting the following new section:-

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

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

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