HOUSE DOCKET, NO. 1156 FILED ON: 1/16/2013

# HOUSE . . . . . No. 2088

## The Commonwealth of Massachusetts

PRESENTED BY:

***Frank I. Smizik and Thomas J. Calter***

*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 to require health care coverage for the medically necessary treatment for disease, illness, injury, or bodily dysfunction required by a student's individual educational program.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---|---|---|
| *Frank I. Smizik* | *15th Norfolk* | *1/16/2013* |
| *Thomas J. Calter* | *12th Plymouth* | *1/16/2013* |
| *Edward F. Coppinger* | *10th Suffolk* | *1/18/2013* |
| *Alice Hanlon Peisch* | *14th Norfolk* | *1/16/2013* |
| *Jason M. Lewis* | *Fifth Middlesex* | *1/16/2013* |
| *Michael J. Barrett* | *Third Middlesex* | *1/25/2013* |
| *Jennifer E. Benson* | *37th Middlesex* | *1/16/2013* |
| *James B. Eldridge* | *Middlesex and Worcester* | *1/16/2013* |
| *Carolyn C. Dykema* | *8th Middlesex* | *1/16/2013* |

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By Messrs. Smizik of Brookline and Calter of Kingston, a petition (accompanied by bill, House, No. 2088) of Frank I. Smizik and others relative to requiring health care coverage for the medically necessary treatment of disease, illness, injury or bodily dysfunction required by a student's individual educational program. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1531* OF 2011-2012.]

## The Commonwealth of Massachusetts

**In the Year Two Thousand Thirteen**

An Act to require health care coverage for the medically necessary treatment for disease, illness, injury, or bodily dysfunction required by a student's individual educational program.

*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 32A of the General Laws is hereby amended by adding the following section:-

Section 27. The commission shall provide to an active or retired employee of the commonwealth who is insured under the group insurance commission benefits on a nondiscriminatory basis for the medically necessary treatment for disease, illness, injury, or bodily dysfunction which are required by a student’s individual education program, individualized family service plan, individualized service plan or the federal Individuals with Disabilities Education Improvement Act.

SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after section 47AA the following section:-

Section 47BB. An individual policy of accident and sickness insurance issued under section 108 that provides hospital expense and surgical expense insurance and any group blanket or general policy of accident and sickness insurance issued under section 110 that provides hospital expense and surgical expense insurance, which is issued or renewed within or without

the commonwealth, shall provide benefits on a nondiscriminatory basis for the medically necessary treatment for disease, illness, injury, or bodily dysfunction which are required by a student's individual education program, individualized family service plan, individualized service plan or the federal Individuals with Disabilities Education Improvement Act.

SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after section 8DD the following section:-

Section 8EE. A contract between a subscriber and the corporation under an individual or group hospital service plan which is issued or renewed within or without the commonwealth shall provide benefits on a nondiscriminatory basis for the medically necessary treatment for disease, illness, injury, or bodily dysfunction which are required by a student's individual education program, individualized family service plan, individualized service plan or the federal Individuals with Disabilities Education Improvement Act.

SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after section 4DD the following section:-

Section 4EE. A subscription certificate under an individual or group medical service agreement which is issued or renewed within or without the commonwealth shall provide benefits on a nondiscriminatory basis for the medically necessary treatment for disease, illness, injury, or bodily dysfunction which are required by a student's individual education program, individualized family service plan, individualized service plan or the federal Individuals with Disabilities Education Improvement Act.

SECTION 5. Chapter 176G of the General Laws is hereby amended by inserting after section 4V the following section:-

Section 4W. A health maintenance contract issued or renewed within or without the commonwealth shall provide benefits on a nondiscriminatory basis for the medically necessary treatment for disease, illness, injury, or bodily dysfunction which are required by a student's individual education program, individualized family service plan, individualized service plan or the federal Individuals with Disabilities Education Improvement Act.

SECTION 6. All policies, contracts and certificates of health insurance subject to section 27 of chapter 32A, section 47BB of chapter 175, section 8EE of chapter 176A, section 4EE of chapter 176B, and section 4W of chapter 176G of the General Laws which are delivered, issued or renewed on or after January 1, 2013 shall conform with the provisions of this act. Form filings implementing this act shall be subject to the approval of the commissioner of insurance.

SECTION 8. This act shall take effect on January 1, 2014.