

SENATE No. 618

The Commonwealth of Massachusetts

PRESENTED BY:

Joan B. Lovely

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:	
<i>Joan B. Lovely</i>	<i>Second Essex</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/29/2019</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/29/2019</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>1/30/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/1/2019</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>5/6/2019</i>

SENATE No. 618

By Ms. Lovely, a petition (accompanied by bill, Senate, No. 618) of Joan B. Lovely, Kay Khan, Patrick M. O'Connor, Rebecca L. Rausch and others for legislation relative to anesthesia coverage for children hospitalized for dental treatment. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

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:

1 SECTION 1. Chapter 175 of the General Laws, as so appearing in the 2016 Official
2 Edition, is hereby amended by inserting after section 47II the following new section:-

3 Section 47JJ. Any individual policy of accident and sickness insurance issued pursuant to
4 section 108 which provides hospital expense and surgical expense insurance, except policies
5 providing supplemental coverage to Medicare or other governmental programs, and any group
6 blanket policy of accident and sickness insurance issued pursuant to section 110 which provides
7 hospital expense and surgical expense insurance, except policies providing supplemental
8 coverage to Medicare or other governmental programs, delivered, issued or reviewed by
9 agreement between the insurer and the policyholder, within or without the commonwealth, shall
10 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 any person
12 who is severely disabled, or has a medical condition and who requires hospitalization for dental

13 care procedures in the same manner that prior authorization is required for hospitalization for
14 other covered diseases or conditions. Said policy shall provide coverage for general anesthesia
15 rendered by a qualified anesthesia provider or anesthesiologist and hospital costs for a medical
16 condition covered by the policy, regardless of whether the services are provided in an
17 ambulatory surgical center (ASC) or hospital.

18 SECTION 2. Chapter 176A of the General Laws, as appearing in the 2016 Official
19 Edition, is hereby amended by inserting after section 8KK the following new section:-

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

35 SECTION 3. Chapter 176B of the General Laws, as appearing in the 2016 Official
36 Edition, is hereby amended by inserting a section 4KK the following new section:-

37 Section 4LL. Any subscription certificate under an individual group medical service
38 agreement which provides hospital expense and surgical expense insurance, except certificates
39 which provides supplemental coverage to Medicare or to other governmental programs,
40 delivered, issued or renewed by agreement between insurer and the policyholder, within or
41 without the commonwealth, shall provide benefits for all individual and group members having a
42 principal place of employment within the commonwealth for anesthesia and ASC/hospital
43 charges for dental care provided to a person who is a child under the age of six; or any person
44 who is severely disabled, or has a medical condition and who requires hospitalization or general
45 anesthesia for dental care treatment carrier may require prior authorization of hospitalization for
46 dental care procedure in the same manner that prior authorization is required for hospitalization
47 for other covered diseases or conditions. Said policy shall provide coverage for general
48 anesthesia rendered by a qualified anesthesia provider or anesthesiologist and hospital costs for a
49 medical condition covered by the policy, regardless of whether the services are provided in an
50 ASC or hospital.

51 SECTION 4. Chapter 176E of the General Laws, as appearing in the 2016 Official
52 Edition, is hereby amended by inserting after section 7 the following new section :-

53 Section 7A. Any contract between a subscriber and the corporation under an individual or
54 group hospital service plan or certificate of health insurance which provides hospital expense and
55 surgical expense insurance, except contracts providing supplemental coverage to Medicare or
56 other governmental programs, delivered, issued or renewed by agreement between the insurer

57 and the policy holder, within or without the commonwealth, shall provide benefits for residents
58 of the commonwealth and to all individuals and group members having a principal place of
59 employment within the commonwealth for anesthesia and hospital charges for dental care
60 provided to a person who is a child under the age of six; or any person who is severely disabled,
61 or has a medical condition and who requires hospitalization or general anesthesia for dental care
62 treatment. A carrier may require prior authorization of out-patient facility or hospitalization for
63 dental care procedures in the same manner that prior authorization is required for hospitalization
64 for other covered diseases or conditions. Said policy shall provide coverage for general
65 anesthesia rendered by a qualified anesthesia provider or anesthesiologist and hospital costs for
66 aforementioned medical conditions covered by the policy, regardless of whether the services are
67 provided in an ASC or hospital.

68 SECTION 5. Chapter 176G of the General Laws, as appearing in the 2016 Official
69 Edition, is hereby amended by inserting after section 4CC the following new section:-

70 Section 4DD. Any individual or group health maintenance contracts, except contracts
71 providing supplemental coverage to Medicare or other governmental programs, delivered, issues
72 or renewed by agreement between the insurer and the policyholder, within or without the
73 commonwealth, shall provide benefits for all individual and group members having a principal
74 place of employment within the commonwealth for anesthesia and ASC/hospital charges
75 provided to a person who is a child under the age of six; or any person who is severely disabled,
76 or has a medical condition and who requires hospitalization or general anesthesia for dental care
77 treatment. A carrier may require prior authorization of hospitalization for dental care procedures
78 in the same manner that prior authorization is required for hospitalization for other covered
79 diseases or conditions. Said policy shall provide coverage for general anesthesia rendered by a

80 qualified anesthesia provider or anesthesiologist and hospital costs for aforementioned medical
81 conditions covered by the policy, regardless of whether the services are provided in an ASC or
82 hospital. Nothing in this section shall prohibit any health maintenance organization from
83 requiring members seeking ASC care/hospitalization and anesthesia for dental care procedures to
84 use a network provider.