

HOUSE No. 1105

The Commonwealth of Massachusetts

PRESENTED BY:

Tami L. Gouveia

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 insurance coverage for post-COVID syndrome.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/19/2021</i>

HOUSE No. 1105

By Ms. Gouveia of Acton, a petition (accompanied by bill, House, No. 1105) of Tami L. Gouveia relative to insurance coverage for post-COVID syndrome. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to insurance coverage for post-COVID syndrome.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith insurance coverage for the treatment and management of post-COVID syndrome, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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 32A of the General Laws is hereby amended by inserting after
2 section 17R, as inserted by section 2 of chapter 260 of the acts of 2020, the following section:-

3 Section 17S. (a) As used in this section the following terms shall, unless the context
4 clearly requires otherwise, have the following meanings:

5 “Post-COVID syndrome”, enduring and consistent symptoms that arise (1) after an
6 individual has been infected with the SARS-CoV-2 virus and that the health clinician treating the
7 individual has reason to suspect were related to COVID-19 infection; or (2) in an individual that
8 may be related to COVID-19 infection but a diagnosis of COVID-19 infection was not obtained
9 and cannot be identified due to a lack of antibodies.

10 Symptoms of post-COVID syndrome may include, but are not limited to: fatigue;
11 shortness of breath; cough; joint pain; chest pain; muscle pain; headache, fast or pounding
12 heartbeat; loss of smell or taste; memory, concentration or sleep problems; mood disorder; heart
13 damage; lung damage; organ damage; rash; hair loss; blood clots or blood vessel problem; and
14 indications of dysautonomia.

15 (b) The commission shall provide to any active or retired employee of the commonwealth
16 who is insured under the group insurance commission coverage for treatment of post-COVID
17 syndrome.

18 SECTION 2. Chapter 112 of the General Laws is hereby amended by inserting after
19 section 12A 1/2 the following section:-

20 Section 12A ³/₄. In cases of examination or treatment of a person with post-COVID
21 syndrome, a hospital, community health center or clinic shall report information related to the
22 diagnosis and treatment to the commissioner of public health in a manner determined by the
23 commissioner that complies with 42 U.S.C. section 290dd-2, 42 C.F.R. Part 2 and 45 C.F.R.
24 section 164.512. The department of public health may promulgate regulations to enforce this
25 section.

26 SECTION 3. Chapter 118E of the General Laws is hereby amended by inserting after
27 section 10N, as inserted by section 39 of chapter 260 of the acts of 2020, the following section:-

28 Section 10O. (a) As used in this section the following terms shall, unless the context
29 clearly requires otherwise, have the following meanings:

30 “Post-COVID syndrome”, enduring and consistent symptoms that arise (1) after an
31 individual has been infected with the SARS-CoV-2 virus and that the health clinician treating the
32 individual has reason to suspect were related to COVID-19 infection; or (2) in an individual that
33 may be related to COVID-19 infection but a diagnosis of COVID-19 infection was not obtained
34 and cannot be identified due to a lack of antibodies.

35 Symptoms may include, but are not limited to: fatigue; shortness of breath; cough; joint
36 pain; chest pain; muscle pain; headache, fast or pounding heartbeat; loss of smell or taste;
37 memory, concentration or sleep problems; mood disorders; heart damage; lung damage; organ
38 damage; rash; hair loss; blood clots or blood vessel problem; and indications of dysautonomia.

39 (b) The division and its contracted health insurers, health plans, health maintenance
40 organizations, behavioral health management firms and third-party administrators under contract
41 to a Medicaid managed care organization or primary care clinician plan shall provide coverage
42 for the treatment of post-COVID syndrome.

43 SECTION 4. Chapter 175 of the General Laws is hereby amended by inserting after
44 section 47NN, as inserted by section 47 of said chapter 260, the following section:-

45 Section 47OO. (a) As used in this section the following terms shall, unless the context
46 clearly requires otherwise, have the following meanings:

47 “Post-COVID syndrome”, enduring and consistent symptoms that arise (1) after an
48 individual has been infected with the SARS-CoV-2 virus and that the health clinician treating the
49 individual has reason to suspect were related to COVID-19 infection; or (2) in an individual that
50 may be related to COVID-19 infection but a diagnosis of COVID-19 was not obtained and
51 cannot be identified due to a lack of antibodies.

52 Symptoms may include, but are not limited to: fatigue; shortness of breath; cough; joint
53 pain; chest pain; muscle pain; headache, fast or pounding heartbeat; loss of smell or taste;
54 memory, concentration or sleep problems; mood disorders; heart damage; lung damage; organ
55 damage; rash; hair loss; blood clots or blood vessel problem; and indications of dysautonomia.

56 (b) Any policy, contract, agreement, plan or certificate of insurance issued, delivered or
57 renewed within the commonwealth shall provide coverage for treatment of post-COVID
58 syndrome.

59 SECTION 5. Chapter 176A of the General Laws is hereby amended by inserting after
60 section 800, as inserted by section 48 of said chapter 260, the following section:-

61 Section 8PP. (a) As used in this section the following terms shall, unless the context
62 clearly requires otherwise, have the following meanings:

63 “Post-COVID syndrome”, enduring and consistent symptoms that arise (1) after an
64 individual has been infected with the SARS-CoV-2 virus and that the health clinician treating the
65 individual has reason to suspect were related to COVID-19 infection; or (2) in an individual that
66 may be related to COVID-19 infection but a diagnosis of COVID-19 was not obtained and
67 cannot be identified due to a lack of antibodies.

68 Symptoms may include, but are not limited to: fatigue; shortness of breath; cough; joint
69 pain; chest pain; muscle pain; headache, fast or pounding heartbeat; loss of smell or taste;
70 memory, concentration or sleep problems; mood disorders; heart damage; lung damage; organ
71 damage; rash; hair loss; blood clots or blood vessel problem; and indications of dysautonomia.

72 (b) Any contract between a subscriber and a corporation under an individual or group
73 hospital service plan delivered, issued or renewed within the commonwealth shall provide
74 coverage for treatment of post-COVID syndrome.

75 SECTION 6. Chapter 176B of the General Laws is hereby amended by inserting after
76 section 400, as inserted by section 50 of said chapter 260 the following section:-

77 Section 4PP. (a) As used in this section the following terms shall, unless the context
78 clearly requires otherwise, have the following meanings:

79 “Post-COVID syndrome”, enduring and consistent symptoms that arise (1) after an
80 individual has been infected with the SARS-CoV-2 virus and that the health clinician treating the
81 individual has reason to suspect were related to COVID-19 infection; or (2) in an individual that
82 may be related to COVID-19 infection but a diagnosis of COVID-19 was not obtained and
83 cannot be identified due to a lack of antibodies.

84 Symptoms may include, but are not limited to: fatigue; shortness of breath; cough; joint
85 pain; chest pain; muscle pain; headache, fast or pounding heartbeat; loss of smell or taste;
86 memory, concentration or sleep problems; mood disorders; heart damage; lung damage; organ
87 damage; rash; hair loss; blood clots or blood vessel problem; and indications of dysautonomia.

88 (b) Any subscription certificate under an individual or group medical service agreement
89 delivered, issued or renewed within the commonwealth shall provide coverage for treatment of
90 post-COVID syndrome.

91 SECTION 7. Chapter 176G of the General Laws is hereby amended by inserting after
92 section 4GG, as inserted by section 52 of said chapter 260 the following section:-

93 Section 4HH. (a) As used in this section the following terms shall, unless the context
94 clearly requires otherwise, have the following meanings:

95 “Post-COVID syndrome”, enduring and consistent symptoms that arise (1) after an
96 individual has been infected with the SARS-CoV-2 virus and that the health clinician treating the
97 individual has reason to suspect were related to COVID-19 infection; or (2) in an individual that
98 may be related to COVID-19 infection but a diagnosis of COVID-19 was not obtained and
99 cannot be identified due to a lack of antibodies.

100 Symptoms may include, but are not limited to: fatigue; shortness of breath; cough; joint
101 pain; chest pain; muscle pain; headache, fast or pounding heartbeat; loss of smell or taste;
102 memory, concentration or sleep problems; mood disorders; heart damage; lung damage; organ
103 damage; rash; hair loss; blood clots or blood vessel problem; and indications of dysautonomia.

104 (b) Any individual or group health maintenance contract shall provide coverage for
105 treatment of post-COVID syndrome.