

**HOUSE . . . . . No. 1153**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

*Paul McMurtry and Dylan A. Fernandes*

*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 ensuring treatment for genetic craniofacial conditions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>1/21/2021</i>
<i>Dylan A. Fernandes</i>	<i>Barnstable, Dukes and Nantucket</i>	<i>1/21/2021</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>1/23/2021</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>1/25/2021</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/26/2021</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/29/2021</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>2/1/2021</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>	<i>2/17/2021</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/18/2021</i>
<i>Susannah M. Whipps</i>	<i>2nd Franklin</i>	<i>2/18/2021</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>2/24/2021</i>
<i>Michael S. Day</i>	<i>31st Middlesex</i>	<i>2/25/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/25/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/26/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/26/2021</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>3/5/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>3/9/2021</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>3/9/2021</i>

<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>3/15/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/15/2021</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>3/19/2021</i>
<i>Patricia A. Duffy</i>	<i>5th Hampden</i>	<i>3/24/2021</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>4/4/2021</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>4/5/2021</i>
<i>Jacob R. Oliveira</i>	<i>7th Hampden</i>	<i>4/5/2021</i>
<i>Steven C. Owens</i>	<i>29th Middlesex</i>	<i>4/5/2021</i>
<i>Adam Gomez</i>	<i>Hampden</i>	<i>4/22/2021</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>7/1/2021</i>

**HOUSE . . . . . No. 1153**

---

By Messrs. McMurtry of Dedham and Fernandes of Falmouth, a petition (accompanied by bill, House, No. 1153) of Paul McMurtry, Dylan A. Fernandes and others for legislation to provide health insurance coverage for certain medically necessary functional repair or restoration of craniofacial disorders. Financial Services.

---

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1050 OF 2019-2020.]

**The Commonwealth of Massachusetts**

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

An Act relative to ensuring treatment for genetic craniofacial 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 32A of the General Laws is hereby amended by inserting after  
2 section 17N as appearing in the 2014 Official Edition, the following section:-

3 Section 17O. Any coverage offered by the commission to an active or retired employee  
4 of the commonwealth insured under the group insurance commission shall provide coverage for  
5 medically necessary functional repair or restoration of craniofacial disorders, with the exception  
6 of coverage for cleft lip and cleft palate which is prescribed elsewhere in the General Laws, to  
7 improve the function of, or to approximate the normal appearance or any abnormal structures  
8 caused by congenital disease or anomaly. Coverage under this section shall include the necessary  
9 care and treatment of medically diagnosed congenital disease or anomaly. Including, but not

10 limited to, ectodermal dysplasia, dentinogenesis imperfecta, amelogenesis imperfecta. Coverage  
11 shall not include cosmetic surgery or for dental or orthodontic treatment unrelated to congenital  
12 disease or anomaly. The benefits in this section shall not be subject to any greater deductible,  
13 coinsurance, copayments or out-of-pocket limits than any other benefit provided by the  
14 commission.

15 SECTION 2. Chapter 118E of the General Laws is hereby amended by inserting after  
16 section 10I, inserted by section 105 of chapter 46 of the acts of 2015, the following section:-

17 Section 10J. The division shall provide coverage for medically necessary functional  
18 repair or restoration of craniofacial disorders; with the exception of coverage for cleft lip and  
19 cleft palate which is prescribed elsewhere in the General Laws, to improve the function of, or to  
20 approximate the normal appearance of any abnormal structures caused by congenital disease or  
21 anomaly. Coverage under this section shall include the necessary care and treatment of medically  
22 diagnosed congenital disease or anomaly, including ectodermal dysplasia, dentinogenesis  
23 imperfecta, and amelogenesis imperfecta. Coverage shall not include cosmetic surgery or for  
24 dental or orthodontic treatment unrelated to congenital disease or anomaly. The benefits in this  
25 section shall not be subject to any greater deductible, coinsurance, copayments or out-of-pocket  
26 limits than any other benefit provided by the division.

27 SECTION 3. Chapter 175 of the General Laws is hereby amended by inserting after  
28 section 47GG, as appearing in the 2014 Official Edition, the following section:-

29 Section 47HH. The following shall provide coverage for medically necessary functional  
30 repair or restoration of craniofacial disorders; with the exception of coverage for cleft lip and  
31 cleft palate which is prescribed elsewhere in the General Laws, to improve the function of, or to

32 approximate the normal appearance of any abnormal structures caused by congenital disease or  
33 anomaly. Coverage under this section shall include the necessary care and treatment of medically  
34 diagnosed congenital disease or anomaly, including ectodermal dysplasia, dentinogenesis  
35 imperfecta, and amelogenesis imperfecta. Coverage shall not include cosmetic surgery or dental  
36 or orthodontic treatment unrelated to congenital disease or anomaly.: (i) any policy of accident  
37 and sickness insurance, as described in section 108, which provides hospital expense and  
38 surgical expense insurance and which is delivered, issued or subsequently renewed by agreement  
39 between the insurer and policyholder in the commonwealth; (ii) any blanket or general policy of  
40 insurance described in subdivision (A), (C) or (D) of section 110 which provides hospital  
41 expense and surgical expense insurance and which is delivered, issued or subsequently renewed  
42 by agreement between the insurer and the policyholder in or outside of the commonwealth; or  
43 (iii) any employees' health and welfare fund which provides hospital expense and surgical  
44 expense benefits and which is delivered, issued or renewed to any person or group of persons in  
45 the commonwealth. The benefits in this section shall not be subject to any greater deductible,  
46 coinsurance, copayments or out-of-pocket limits than any other benefit provided by the insurer.

47 SECTION 4. Chapter 176A of the General Laws is hereby amended by inserting after  
48 section 8II, as so appearing, the following section:-

49 Section 8JJ. Any contract between a subscriber and the corporation under an individual or  
50 group hospital service plan which is delivered, issued or renewed within the commonwealth shall  
51 provide coverage for medically necessary functional repair or restoration of craniofacial  
52 disorders; with the exception of coverage for cleft lip and cleft palate which is prescribed  
53 elsewhere in the General Laws, to improve the function of, or to approximate the normal  
54 appearance of any abnormal structures caused by congenital disease or anomaly. Coverage under

55 this section shall include the necessary care and treatment of medically diagnosed congenital  
56 disease or anomaly, including, ectodermal dysplasia, dentinogenesis imperfecta, and  
57 amelogenesis imperfecta. Coverage shall not include cosmetic surgery or dental or orthodontic  
58 treatment unrelated to congenital disease or anomaly. The benefits in this section shall not be  
59 subject to any greater deductible, coinsurance, copayments or out-of-pocket limits than any other  
60 benefit provided by the insurer.

61 SECTION 5. Chapter 176B of the General Laws is hereby amended by inserting after  
62 section 4II, as so appearing, the following section:-

63 Section 4JJ. Any subscription certificate under an individual or group medical service  
64 agreement delivered, issued or renewed within the commonwealth shall provide coverage for  
65 medically necessary functional repair or restoration of craniofacial disorders; with the exception  
66 of coverage for cleft lip and cleft palate which is prescribed elsewhere in the General Laws, to  
67 improve the function of, or to approximate the normal appearance of any abnormal structures  
68 caused by disease or anomaly. Coverage under this section shall include the necessary care and  
69 treatment of medically diagnosed congenital disease or anomaly, including, ectodermal  
70 dysplasia, dentinogenesis imperfecta, and amelogenesis imperfecta. Coverage shall not include  
71 cosmetic surgery or dental or orthodontic treatment unrelated to congenital disease or anomaly.  
72 The benefits in this section shall not be subject to any greater deductible, coinsurance,  
73 copayments or out-of-pocket limits than any other benefit provided by the insurer.

74 SECTION 6. Chapter 176G of the General Laws, as so appearing, is hereby amended by  
75 inserting after section 4AA, as so appearing, the following section:-

76 Section 4BB. Any individual or group health maintenance contract shall provide  
77 coverage for medically necessary functional repair or restoration of craniofacial disorders; with  
78 the exception of coverage for cleft lip and cleft palate which is prescribed elsewhere in the  
79 General Laws, to improve the function of, or to approximate the normal appearance of any  
80 abnormal structures caused by congenital disease or anomaly. Coverage under this section shall  
81 include the necessary care and treatment of medically diagnosed congenital disease or anomaly,  
82 including, ectodermal dysplasia, dentinogenesis imperfecta, and amelogenesis imperfecta.  
83 Coverage shall not include cosmetic surgery or dental or orthodontic treatment unrelated to  
84 congenital disease or anomaly. The benefits in this section shall not be subject to any greater  
85 deductible, coinsurance, copayments or out-of-pocket limits than any other benefit provided by  
86 the insurer.

87 SECTION 7. Chapter 176I of the General Laws, as so appearing, is hereby amended by  
88 inserting after section,12, as so appearing, the following section:-

89 Section 13. An organization entering into a preferred provider contract shall provide  
90 coverage for medically necessary functional repair or restoration of craniofacial disorders; with  
91 the exception of coverage for cleft lip and cleft palate which is prescribed elsewhere in the  
92 General Laws, to improve the function of, or to approximate the normal appearance of any  
93 abnormal structures caused by congenital disease or anomaly. Coverage under this section shall  
94 include the necessary care and treatment of medically diagnosed congenital disease or anomaly,  
95 including, ectodermal dysplasia, dentinogenesis imperfecta, and amelogenesis imperfecta.  
96 Coverage shall not include cosmetic surgery or dental or orthodontic treatment unrelated to  
97 congenital defects, developmental deformities, trauma, tumors, infections or disease. The

98 benefits in this section shall not be subject to any greater deductible, coinsurance, copayments or  
99 out-of-pocket limits than any other benefit provided by the insurer.

100 SECTION 8. This act shall apply to all policies, contracts and certificates of health  
101 insurance subject to chapters 32A, 118E, 175, 176A, 176B, 176G and 176I, of the General Laws,  
102 as so appearing, issued or renewed, except any entity to the extent it offers a policy, certificate or  
103 contract that provides coverage for dental care services or vision care services.