

**HOUSE . . . . . No. 1211**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Tommy Vitolo*

*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 parental choice for medically fragile students.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>2/17/2021</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/25/2021</i>

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By Mr. Vitolo of Brookline, a petition (accompanied by bill, House, No. 1211) of Tommy Vitolo and Colleen M. Garry for legislation to provide for insurance coverage for certain medically necessary treatment for medically fragile students. Financial Services.

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**The Commonwealth of Massachusetts**

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

An Act relative to parental choice for medically fragile students.

*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 adding the  
2 following section:-

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

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

11           Section 47EE. An individual policy of accident and sickness insurance issued under  
12 section 108 that provides hospital expense and surgical expense insurance and any group blanket

13 or general policy of accident and sickness insurance issued under section 110 that provides  
14 hospital expense and surgical expense insurance, which is issued or renewed within or without  
15 the commonwealth, shall provide benefits on a nondiscriminatory basis for the medically  
16 necessary treatment for disease, illness, injury, or bodily dysfunction which are required by a  
17 student's individual education program, individualized family service plan, individualized  
18 service plan or the federal Individuals with Disabilities Education Improvement Act.

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

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

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

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

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

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

42 SECTION 6. All policies, contracts and certificates of health insurance subject to section  
43 27 of chapter 32A, section 47EE of chapter 175, section 8GG of chapter 176A, section 4GG of  
44 chapter 176B, and section 4Y of chapter 176G of the General Laws which are delivered, issued  
45 or renewed on or after January 1, 2015 shall conform with the provisions of this act. Form filings  
46 implementing this act shall be subject to the approval of the commissioner of insurance.

47 SECTION 8. This act shall take effect on January 1, 2022.