HOUSE DOCKET, NO. 2787 FILED ON: 1/19/2023

HOUSE . . . . . No. 1093

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:
Paul McMurtry	*11th Norfolk*	*1/19/2023*
Dylan A. Fernandes	*Barnstable, Dukes and Nantucket*	*1/19/2023*
Thomas M. Stanley	*9th Middlesex*	*1/20/2023*
Angelo L. D'Emilia	*8th Plymouth*	*2/1/2023*
Brian M. Ashe	*2nd Hampden*	*2/1/2023*
Patricia A. Duffy	*5th Hampden*	*2/21/2023*
Steven Owens	*29th Middlesex*	*2/21/2023*
Natalie M. Blais	*1st Franklin*	*2/21/2023*
Brian W. Murray	*10th Worcester*	*2/22/2023*
David Paul Linsky	*5th Middlesex*	*3/1/2023*
Hannah Kane	*11th Worcester*	*3/1/2023*
James C. Arena-DeRosa	*8th Middlesex*	*3/1/2023*
Carol A. Doherty	*3rd Bristol*	*3/21/2023*
Jacob R. Oliveira	*Hampden, Hampshire and Worcester*	*3/28/2023*
Kay Khan	*11th Middlesex*	*3/28/2023*
Tommy Vitolo	*15th Norfolk*	*10/3/2023*

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HOUSE . . . . . No. 1093

By Representatives McMurtry of Dedham and Fernandes of Falmouth, a petition (accompanied by bill, House, No. 1093) 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. *1153* OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

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:

SECTION 1. Chapter 32A of the General Laws is hereby amended by inserting after section 17N as appearing in the 2014 Official Edition, the following section:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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