

SENATE No. 595

The Commonwealth of Massachusetts

PRESENTED BY:

Joanne M. Comerford

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 to strengthen the control of contagious and infectious diseases in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>1/27/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>7/11/2023</i>

SENATE No. 595

By Ms. Comerford, a petition (accompanied by bill, Senate, No. 595) of Joanne M. Comerford and Mindy Domb for legislation to strengthen the control of contagious and infectious diseases in the Commonwealth. Financial Services.

The Commonwealth of Massachusetts

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

An Act to strengthen the control of contagious and infectious diseases in the Commonwealth.

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 111 of the General Laws is hereby amended by adding after section
2 7 the following section:-

3 Section 7A. (a) The commissioner is hereby authorized to designate contagious and
4 infectious diseases of heightened public health importance.

5 (b) Insurance plans, health coverage, and medical assistance and medical benefit
6 programs shall not charge cost sharing or require utilization review for any health care service
7 for the prevention, diagnosis, or treatment of a disease designated under subsection (a), for
8 coverage subject to section 17S of chapter 32A, section 10R of chapter 118E, section 47UU of
9 chapter 175, section 8VV of chapter 176A, section 4VV of chapter 176B, section 4NN of chapter
10 176G, or section 14 of chapter 176I. For purposes of this section, cost sharing shall include
11 payments required from a consumer in connection with the provision of a health care service,
12 including but not limited to co-payments, coinsurance, and deductibles. Utilization review shall

13 include prior authorization, step therapy, or any other protocol that could restrict or delay the
14 provision of any health care service.

15 (c) Upon the designation of a contagious or infectious disease pursuant to subsection (a),
16 the commissioner shall: (1) provide forthwith written notice of such designation and the
17 requirements of this section to the secretary of health and human services, who shall enforce this
18 section with respect to programs of medical assistance and medical benefits established under
19 chapter 118E; the group insurance commission which shall enforce this section for coverage
20 established under chapter 32A; and the division of insurance which shall immediately notify
21 commercial health insurers, Blue Cross and Blue Shield of Massachusetts, Inc., health
22 maintenance organizations, and all other entities that provide health coverage and medical
23 assistance and benefit programs within the scope of the division's regulation, of a designation
24 pursuant to paragraph (a) and the requirements of this section; (2) take steps to ensure that the
25 public health council shall have the opportunity in an advisory capacity to comment upon such
26 designation; and (3) take reasonable steps to notify health care institutions, health care providers,
27 and consumers of the provisions of this section, including as applicable through clinical
28 advisories, posting to the department's website, or other means.

29 (d) The commissioner shall maintain a publicly accessible list of contagious or infectious
30 diseases that have been designated as of public health importance pursuant to subsection (a). The
31 commissioner shall at least annually review the list and shall either renew or remove each
32 designation. When a contagious or infectious disease is removed from the list of designations
33 made under subsection (a), the commissioner shall provide written notice of such removal to the
34 entities specified in subsection (c).

35 (e) The requirements of subsection (b) shall be effective 30 days from a designation
36 pursuant to subsection (a).

37 SECTION 2. Chapter 32A of the General Laws is hereby amended by inserting after
38 section 17R the following section:-

39 Section 17S: The commission shall provide to any active or retired employee of the
40 commonwealth who is insured under the group health insurance commission, coverage without
41 cost sharing or utilization review for any health care service for the prevention, diagnosis, or
42 treatment of a contagious or infectious disease designated as of heightened public health
43 importance pursuant to section 7A of chapter 111.

44 SECTION 3. Chapter 118E of the General Laws is hereby amended by inserting after
45 section 10Q the following section:-

46 Section 10R: The division shall cover without cost sharing or utilization review any
47 health care service for the prevention, diagnosis, or treatment of a contagious or infectious
48 disease designated as of heightened public health importance pursuant to section 7A of chapter
49 111.

50 SECTION 4. Chapter 175 of the General Laws is hereby amended by inserting after
51 section 47TT the following section:-

52 Section 47UU. An individual policy of accident and sickness insurance issued under
53 section 108 that provides hospital expense and surgical expense insurance and any group blanket
54 or general policy of accident and sickness insurance issued under section 110 that provides
55 hospital expense and surgical expense insurance, which is issued or renewed within or without

56 the commonwealth, shall cover without cost sharing or utilization review any health care service
57 for the prevention, diagnosis, or treatment of a contagious or infectious disease designated as of
58 heightened public health importance pursuant to section 7A of chapter 111.

59 SECTION 5. Chapter 176A of the General Laws is hereby amended by inserting after
60 Section 8UU the following section:-

61 Section 8VV. A contract between a subscriber and the corporation under an individual or
62 group hospital service plan which provides hospital expense and surgical expense insurance,
63 except contracts providing supplemental coverage to Medicare or other governmental programs,
64 delivered, issued or renewed by agreement between the insurer and the policyholder, within or
65 without the commonwealth, shall cover without cost sharing or utilization review any health care
66 service for the prevention, diagnosis, or treatment of a contagious or infectious disease
67 designated as of heightened public health importance pursuant to section 7A of chapter 111;
68 provided, however, that co-payments, coinsurance or deductibles shall be required if the
69 applicable plan is governed by the Federal Internal Revenue Code and would lose its tax-exempt
70 status as a result of the prohibition on co-payments, coinsurance or deductibles for these services.

71 SECTION 6. Chapter 176B of the General Laws is hereby amended by inserting after
72 section 4UU the following section:-

73 Section 4VV. Any subscription certificate under an individual or group medical service
74 agreement, except certificates that provide supplemental coverage to Medicare or other
75 governmental programs, issued, delivered or renewed within or without the commonwealth, shall
76 cover without cost sharing or utilization review any health care service for the prevention,
77 diagnosis, or treatment of a contagious or infectious disease designated as of heightened public

78 health importance pursuant to section 7A of chapter 111; provided, however, that co-payments,
79 coinsurance or deductibles shall be required if the applicable plan is governed by the Federal
80 Internal Revenue Code and would lose its tax-exempt status as a result of the prohibition on co-
81 payments, coinsurance or deductibles for these services.

82 SECTION 7. Chapter 176G of the General Laws is hereby amended by inserting after
83 section 4MM the following section:-

84 Section 4NN. A health maintenance contract issued or renewed within or without the
85 commonwealth shall cover without cost sharing or utilization review any health care service for
86 the prevention, diagnosis, or treatment of a contagious or infectious disease designated as of
87 heightened public health importance pursuant to section 7A of chapter 111; provided, however,
88 that co-payments, coinsurance or deductibles shall be required if the applicable plan is governed
89 by the Federal Internal Revenue Code and would lose its tax-exempt status as a result of the
90 prohibition on co-payments, coinsurance or deductibles for these services.

91 SECTION 8. Chapter 176I of the General Laws is hereby amended by adding the
92 following section:-

93 Section 14. An organization entering into a preferred provider contract shall cover
94 without cost sharing or utilization review any health care service for the prevention, diagnosis, or
95 treatment of a contagious or infectious disease designated as of heightened public health
96 importance pursuant to section 7A of chapter 111.