SENATE DOCKET, NO. 743 FILED ON: 1/18/2023

SENATE . . . . . No. 754

The Commonwealth of Massachusetts

PRESENTED BY:

Adam Gomez

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 ensure access to the full range of treatment options for people with obesity.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Adam Gomez	*Hampden*

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SENATE . . . . . No. 754

By Mr. Gomez, a petition (accompanied by bill, Senate, No. 754) of Adam Gomez for legislation to ensure access to the full range of treatment options for people with obesity. Health Care Financing.

The Commonwealth of Massachusetts

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

An Act to ensure access to the full range of treatment options for people with obesity.

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 118E of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after section 10N, the following section:-

SECTION 10O. Notwithstanding any general or special rule to the contrary, the division shall require comprehensive coverage for treatment of obesity. The term "comprehensive coverage for treatment of obesity" includes coverage for prevention and wellness, nutrition counseling, intensive behavioral therapy, bariatric surgery, and FDA-approved anti-obesity medication. The term 'FDA-approved anti-obesity medication' refers to any medication approved by the US Food and Drug Administration with an indication for chronic weight management in patients with obesity.

a) Coverage criteria for FDA-approved anti-obesity medications provided under this section shall not be more restrictive than the FDA-approved indications for those treatments.

b) Coverage under this section shall be neither different nor separate from coverage for any other illness, condition, or disorder for purposes of determining deductibles, lifetime dollar limits, copayment and coinsurance factors, and benefit year maximum for deductibles and copayment and coinsurance factors.

c) Nothing shall preclude the undertaking of utilization management to determine the medical necessity for treatment of obesity under this section, provided that all such appropriateness and medical necessity determinations are made in the same manner as those determinations are made for the treatment of any other illness, condition, or disorder covered by such policy, contract, or plan.

d) The division shall provide notice to its members regarding the coverage required by this section. The notice shall be in writing and prominently positioned in any literature or correspondence sent to members and shall be transmitted to members within calendar year when annual information is made available to members, or in any other mailing or communication to members.