

HOUSE No. 4961

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 28, 2026.

The committee on Financial Services, to whom was referred the petition (accompanied by bill, House, No. 4162) of Rob Consalvo relative to insurance coverage for healthcare for ostomy patients, reports recommending that the accompanying bill (House, No. 4961) ought to pass.

For the committee,

JAMES M. MURPHY.

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The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act to increase access to healthcare for ostomy patients.

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 17Z the following section:-

3 Section 17AA. (a) The commission shall provide to any person who is insured under the
4 group insurance commission coverage of all medical supplies for management of surgically
5 created or spontaneous fistulas and coverage of supplies related to ostomy care. The commission
6 shall not require the use of non-medical supplies for a patient to receive coverage under this
7 section. The commission shall make publicly available information about its coverage of
8 supplies related to ostomy care.

9 (b) If a person obtains new health insurance coverage, information about the person's
10 ostomy care, patient history and prescriptions shall be transferred to the new insurer within 72
11 hours for continuity of care. Ostomy supply orders and shipments shall not be delayed during the
12 transition period.

(c) Healthcare payers shall reimburse suppliers of supplies related to ostomy care at a rate not less than the Medicare reimbursement rate.

SECTION 2. Chapter 111 of the General Laws is hereby amended by inserting after section 51O the following section:-

Section 51P. Any acute-care hospital licensed pursuant to this chapter that performs ostomy surgery shall employ and have access to certified healthcare professionals who specialize in ostomy care. The acute-care hospital shall ensure ongoing follow-up care offers ostomy care in an outpatient setting, as appropriate, with certified healthcare professionals who specialize in ostomy care.

SECTION 3. Chapter 112 of the General Laws is hereby amended by inserting after section 12D the following section:-

Section 12D½. (a) A prescription issued in the commonwealth by a physician licensed pursuant to this chapter for supplies related to an ostomy shall be valid for at least 1 year without disruption in fulfillment and coverage for the duration of the prescription.

(b) Notwithstanding any general or special law to the contrary, a physician may prescribe supplies related to ostomy care in a quantity exceeding any limit imposed by law, regulation, rule, guidance or insurance policy if the physician determines that it is necessary and expedient for patient care.

(c) Fulfillment of prescriptions related to ostomy supplies shall not be delayed by any approval or appeal process.

(d) Suppliers of ostomy supplies shall be required to provide 1 month's advanced notification of prescription expiration to both patients and their prescribers.

(e) Fulfillment of prescriptions related to ostomy supplies shall be dispensed as written. Suppliers of ostomy supplies shall be required to provide 1 month's advanced notification of their intention to substitute ostomy supply brands or products, also known as non-medical switching. Notification by mail shall include samples of the proposed product substitution for the patient to try. If a substitute product fails to meet or exceed the quality of the original and thereby compromises the patient's ostomy care, the patient shall have the option of returning to their original product or shall receive a product that matches the quality of the original.

SECTION 4. Chapter 118E of the General Laws is hereby amended by inserting after section 10Z the following section:-

Section 10AA. (a) The division and its contracted health insurers, health plans, health maintenance organizations, behavioral health management firms and third-party administrators under contract to a Medicaid managed care organization or primary care clinician plan shall provide coverage of all medical supplies for management of surgically created or spontaneous fistulas and coverage of supplies related to ostomy care. The division shall not require the use of non-medical supplies for a patient to receive coverage under this section. The division shall make publicly available information about its coverage of supplies related to ostomy care.

(b) If a person obtains new health insurance coverage, information about the person's ostomy care and patient history shall be transferred to the new insurer within 72 hours for continuity of care. Ostomy supply orders and shipments shall not be delayed during the transition period.

(c) Healthcare payers shall reimburse suppliers of supplies related to ostomy care at a rate not less than the Medicare reimbursement rate.

(d) Suppliers of ostomy supplies shall be required to provide 1 month's advanced notification of prescription expiration to both patients and their prescribers.

(e) Fulfillment of prescriptions related to ostomy supplies shall be dispensed as written. Suppliers of ostomy supplies shall be required to provide 1 month's advanced notification of their intention to substitute ostomy supply brands or products, also known as non-medical switching. Notification by mail shall include samples of the proposed product substitution for the patient to try. If a substitute product fails to meet or exceed the quality of the original and thereby compromises the patient's ostomy care, the patient shall have the option of returning to their original product or shall receive a product that matches the quality of the original.

SECTION 5. Chapter 175 of the General Laws is hereby amended by inserting before section 47CCC the following section:-

Section 47AAA. (a) Any blanket or general policy of insurance described in subdivision (A), (C), or (D) of section one hundred and ten which is issued or subsequently renewed by agreement between the insurer and the policyholder, within or without the commonwealth, during the period within which this premium is effective, or any policy of accident or sickness insurance as described in section one hundred and eight which provides hospital expense and surgical expense insurance and which is delivered or issued for delivery or subsequently renewed by agreement between the insurer and the policyholder in the commonwealth, during the period within which this provision is effective, or any employers' health and welfare fund which provides hospital expense and surgical expense benefits and which is issued or renewed to any

77 person or group of persons in the commonwealth, during the period within which this provision
78 is effective, shall provide coverage of all medical supplies for management of surgically created
79 or spontaneous fistulas and coverage of supplies related to ostomy care including ostomy-related
80 medical or physiological complications. The policy, contract, agreement, plan or certificate of
81 insurance shall not require the use of non-medical supplies for a patient to receive coverage
82 under this section, and shall make publicly available information about its coverage of supplies
83 related to ostomy care.

84 (b) If a person obtains new health insurance coverage, information about the person's
85 ostomy care and patient history shall be transferred to the new insurer within 72 hours for
86 continuity of care. Ostomy supply orders and shipments shall not be delayed during the transition
87 period.

88 (c) Healthcare payers shall reimburse suppliers of supplies related to ostomy care at a rate
89 not less than the Medicare reimbursement rate.

90 (d) Suppliers of ostomy supplies shall be required to provide 1 month's advanced
91 notification of prescription expiration to both patients and their prescribers.

92 (e) Fulfillment of prescriptions related to ostomy supplies shall be dispensed as written.
93 Suppliers of ostomy supplies shall be required to provide 1 month's advanced notification of
94 their intention to substitute ostomy supply brands or products, also known as non-medical
95 switching. Notification by mail shall include samples of the proposed product substitution for the
96 patient to try. If a substitute product fails to meet or exceed the quality of the original and
97 thereby compromises the patient's ostomy care, the patient shall have the option of returning to
98 their original product or shall receive a product that matches the quality of the original.

SECTION 6. Chapter 176A of the General Laws is hereby amended by inserting after section 8DDD the following section:-

Section 8EEE. (a) A contract, except contracts providing supplemental coverage to Medicare or other governmental programs, between a subscriber and the corporation under an individual or group hospital service plan that is delivered, issued or renewed in the commonwealth shall provide as benefits to all individual subscribers or members within the commonwealth, and to all group members having a principal place of employment within the commonwealth, coverage of all medical supplies for management of surgically created or spontaneous fistulas and coverage of supplies related to ostomy care including ostomy-related medical or physiological complications. The contract shall not require the use of non-medical supplies for a patient to receive coverage under this section. The corporation shall make publicly available information about its coverage of supplies related to ostomy care.

(b) If a person obtains new health insurance coverage, information about the person's ostomy care and patient history shall be transferred to the new insurer within 72 hours for continuity of care. Ostomy supply orders and shipments shall not be delayed during the transition period.

(c) Healthcare payers shall reimburse suppliers of supplies related to ostomy care at a rate not less than the Medicare reimbursement rate.

(d) Suppliers of ostomy supplies shall be required to provide 1 month's advanced notification of prescription expiration to both patients and their prescribers.

(e) Fulfillment of prescriptions related to ostomy supplies shall be dispensed as written. Suppliers of ostomy supplies shall be required to provide 1 month's advanced notification of

their intention to substitute ostomy supply brands or products, also known as non-medical switching. Notification by mail shall include samples of the proposed product substitution for the patient to try. If a substitute product fails to meet or exceed the quality of the original and thereby compromises the patient's ostomy care, the patient shall have the option of returning to their original product or shall receive a product that matches the quality of the original.

SECTION 7. Chapter 176B of the General Laws is hereby amended by inserting after section 4DDD the following section:-

Section 4EEE. (a) A subscription certificate under an individual or group medical service agreement delivered, issued or renewed within the commonwealth shall provide coverage of all medical supplies for management of surgically created or spontaneous fistulas and coverage of supplies related to ostomy care. The subscription certificate shall not require the use of non-medical supplies for a patient to receive coverage under this section. The medical service corporation shall make publicly available information about its coverage of supplies related to ostomy care.

(b) If a person obtains new health insurance coverage, information about the person's ostomy care and patient history shall be transferred to the new insurer within 72 hours for continuity of care. Ostomy supply orders and shipments shall not be delayed during the transition period.

(c) Healthcare payers shall reimburse suppliers of supplies related to ostomy care at a rate not less than the Medicare reimbursement rate.

(d) Suppliers of ostomy supplies shall be required to provide 1 month's advanced notification of prescription expiration to both patients and their prescribers.

(e) Fulfillment of prescriptions related to ostomy supplies shall be dispensed as written. Suppliers of ostomy supplies shall be required to provide 1 month's advanced notification of their intention to substitute ostomy supply brands or products, also known as non-medical switching. Notification by mail shall include samples of the proposed product substitution for the patient to try. If a substitute product fails to meet or exceed the quality of the original and thereby compromises the patient's ostomy care, the patient shall have the option of returning to their original product or shall receive a product that matches the quality of the original.

SECTION 8. Chapter 176G of the General Laws is hereby amended by inserting after section 4VV the following section:-

Section 4WW. (a) An individual or group health maintenance contract, except contracts providing supplemental coverage to Medicare or other governmental programs, that is issued or renewed within the commonwealth shall provide coverage and benefits of all medical supplies for management of surgically created or spontaneous fistulas and coverage of supplies related to ostomy care. The contract shall not require the use of non-medical supplies for a patient to receive coverage under this section. The health maintenance organization shall make publicly available information about its coverage of supplies related to ostomy care.

(b) If a person obtains new health insurance coverage, information about the person's ostomy care and patient history shall be transferred to the new insurer within 72 hours for continuity of care. Ostomy supply orders and shipments shall not be delayed during the transition period.

(c) Healthcare payers shall reimburse suppliers of supplies related to ostomy care at a rate not less than the Medicare reimbursement rate.

165 (d) Suppliers of ostomy supplies shall be required to provide 1 month's advanced
166 notification of prescription expiration to both patients and their prescribers.

167 (e) Fulfillment of prescriptions related to ostomy supplies shall be dispensed as written.
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170 switching. Notification by mail shall include samples of the proposed product substitution for the
171 patient to try. If a substitute product fails to meet or exceed the quality of the original and
172 thereby compromises the patient's ostomy care, the patient shall have the option of returning to
173 their original product or shall receive a product that matches the quality of the original.