

By Ms. Pollard, a petition (accompanied by bill, Senate, No. 651) of Sharon M. Pollard, Thomas P. O'Neill, III, Lieutenant Governor, and other members of the General Court for legislation to amend the public health law and the insurance law in relation to diethylstilbestrol exposed persons. Health Care.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-one.

AN ACT TO AMEND THE PUBLIC HEALTH LAW AND THE INSURANCE LAW IN RELATION TO DIETHYLSTILBESTROL EXPOSED PERSONS.

*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  
2 amended by inserting after section 4J the following two sec-  
3 tions: —

4 *Section 4K.* The Commissioner shall establish, promote,  
5 and maintain a public information program regarding diethyl-  
6 stilbestrol, hereinafter referred to as DES. Such program  
7 shall be conducted throughout the commonwealth and shall  
8 include, but not be limited to, an effort to reach persons or  
9 the offspring of persons who have been exposed to DES in  
10 order to encourage them to seek medical care for the preven-  
11 tion or treatment of any malignant conditions resulting from  
12 such exposure. Such program shall emphasize the need for  
13 examinations and the need to remain informed about addi-  
14 tional developments concerning DES.

15 Said commissioner shall designate and may enter into con-  
16 tracts with providers of health care for the purpose of estab-  
17 lishing regional screening programs for women who were ex-  
18 posed to DES during pregnancy and their offspring who were  
19 exposed prenatally. In selecting such provider, said commis-  
20 sioner shall consider such provider's compliance with state  
21 and federal standards, such provider's location in relation to  
22 geographical distribution of persons exposed to DES, and the  
23 capacity of such provider to properly screen for breast, vagi-

24 nal and cervical cancer, vaginal adenosis, undescended testes,  
25 infertility, and any other malignancies and changes resulting  
26 from exposure to DES.

27 Each such contract shall be upon such terms and conditions  
28 as said commissioner determines; provided, however, that ex-  
29 penses incurred shall be reimbursed by the commonwealth  
30 after applying against the total cost of screening and diagnosis  
31 the amounts received from third party payers less any fee  
32 charged each person receiving such services where said com-  
33 missioner has determined a fee scale based on ability to pay.

34 Each such provider which enters into such a contract shall  
35 conduct a training program in conjunction with the depart-  
36 ment for purposes of instructing physicians, physician assist-  
37 ants, and nurses within the respective health systems area in  
38 the detection, diagnosis, treatment and prevention of diseases  
39 in women who were exposed to DES during pregnancy and  
40 their offspring who were exposed prenatally.

41 The said commissioner may request, and shall receive,  
42 from any department, division, board, bureau, commission, or  
43 agency of the state or of any political subdivision thereof such  
44 cooperation and data as will enable him to properly carry out  
45 his activities hereunder. Said commissioner may also enter  
46 into any contract for services, as he deems necessary, with a  
47 private agency upon such terms and conditions as he deems  
48 appropriate to carry out the provisions of this section.

49 The department shall make an annual report to the legis-  
50 lature of its findings and recommendations concerning the  
51 effectiveness, impact and benefits derived from such special  
52 programs. Such report shall be filed with the clerk of the  
53 senate on or before the first day of February and shall con-  
54 tain evaluations of such special programs, and any recom-  
55 mended legislation.

56 *Section 4L.* An advisory board is hereby established under  
57 the supervision of the department for the purpose of imple-  
58 menting the provisions of section 4K. Said board shall con-  
59 sist of six members appointed by the commissioner, one of  
60 whom shall be appointed from a list of nominees submitted by  
61 a community based association organized to address the prob-  
62 lems of the DES exposed; one of whom shall be appointed

63 from a list of nominees submitted by an area based screening  
64 clinic which treats the DES exposed; one of whom shall be  
65 appointed from a list of nominees submitted by the Massachu-  
66 setts caucus of women legislators; and at least one of whom  
67 shall be a DES exposed mother, daughter or son. Each ap-  
68 pointed nominee from a community based association organ-  
69 ized to address the problems of the DES exposed and an area  
70 based screening clinic which treats the DES exposed shall  
71 serve a term of two years and all other members shall serve a  
72 term of one year. Said board shall assist the department in  
73 preparation of the annual report to the legislature.

1 SECTION 2. Chapter 175 of the General Laws is hereby  
2 amended by inserting after section 108B the following sec-  
3 tion: —

4 *Section 108C.* No individual policy of accident and sickness  
5 insurance issued pursuant to section one hundred and eight  
6 or group blanket policy of accident and sickness insurance,  
7 issued pursuant to section one hundred and ten, or any re-  
8 newals thereof shall be denied, cancelled or fail to be renewed,  
9 nor shall any excessive rates be charged or restrictions or  
10 length of coverage be imposed, nor shall any other factor be  
11 altered in such a way as to constitute discrimination primarily  
12 because the insured person has had a suspected, alleged or  
13 confirmed exposure to the potential hazards and afflictions of  
14 diethylstilbestrol (DES) or compounds commonly referred to  
15 as DES. The practices prohibited under this section shall in-  
16 clude not only those overtly discriminatory but also practices  
17 and devices which are fair in form but discriminatory in prac-  
18 tice.

1 SECTION 3. Chapter 176A of the General Laws is hereby  
2 amended by adding after section 8D the following section: —

3 *Section 8E.* No contract between a subscriber and the cor-  
4 poration under an individual or group hospital service plan  
5 which shall be delivered or issued in this Commonwealth shall  
6 be denied, cancelled or fail to be renewed, nor shall any ex-  
7 cessive rates be charged or restrictions or the length of cov-  
8 erage be imposed, nor shall any other factor be altered in

9 such a way as to constitute discrimination primarily because  
10 the insured person has had a suspected, alleged or confirmed  
11 exposure to the potential hazards and afflictions of diethylstil-  
12 bestrol (DES) or compounds commonly referred to as DES.  
13 The practices prohibited under this section shall include not  
14 only those overtly discriminatory but also practices and de-  
15 vices which are fair in form but discriminatory in practice.

1 SECTION 4. Chapter 176B of the General Laws is hereby  
2 amended by inserting after section 4D the following sec-  
3 tion: —

4 *Section 4E.* No subscription certificate under an individual  
5 or group medical service agreement which shall be delivered  
6 or issued or renewed in this Commonwealth shall be denied or  
7 cancelled or fail to be renewed, nor shall any excessive rates  
8 be charged or restrictions on the length of coverage be im-  
9 posed, nor shall any other factor be altered in such a way as  
10 to constitute discrimination primarily because the insured  
11 person has had a suspected, alleged or confirmed exposure to  
12 the potential hazards and afflictions of diethylstilbestrol (DES)  
13 or compounds commonly referred to as DES. The practices  
14 prohibited under this section shall include not only those  
15 overtly discriminatory but also practices and devices which  
16 are fair in form but discriminatory in practice.

1 SECTION 5. Chapter 175 of the General Laws is hereby  
2 amended by adding after section 120B the following sec-  
3 tion: —

4 *Section 120C.* No insurer, agent or broker authorized to  
5 issue policies on the lives of persons in the Commonwealth  
6 shall cancel, refuse to issue or renew, charge any excessive  
7 rates or restrict any length of coverage or in any way prac-  
8 tice discrimination against persons primarily because the in-  
9 sured person has had a suspected, alleged or confirmed expos-  
10 ure to the potential hazards and afflictions of diethylstilbestrol  
11 (DES) or compounds commonly referred to as DES. The prac-  
12 tices prohibited under this section shall include not only those  
13 overtly discriminatory but also practices and devices which  
14 are fair in form but discriminatory in practice.