

By Mr. Catjakis of Springfield, petition of Chester A. Suhoski, Athan Catjakis, John C. Bartley and Christopher J. Hodgkins for legislation to regulate optometric services provided by registered optometrists and physicians. Health Care.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO OPTOMETRIC SERVICES PROVIDED BY REGISTERED OPTOMETRISTS AND PHYSICIANS.

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. Section 1 of Chapter 176B of the General Laws
2 is hereby amended by striking out the definition of "Visual service"
3 and inserting in place thereof the following definition: —

4 "Visual service", the eye care services ordinarily provided by
5 registered optometrists and physicians in accordance with
6 accepted practices in the community where the services are
7 rendered, including, but not limited to, those eye care services
8 described in sections 66 and 66A of chapter 112 of the General
9 Laws.

1 SECTION 2. Section 7 of chapter 176B of the General Laws
2 is hereby amended by striking out the first paragraph and inserting
3 in place thereof the following paragraph: —

4 Every registered physician, chiropractor, optometrist and nurse
5 midwife shall have the right, on complying with such rules and
6 regulations as the corporation may make, to enter into a written
7 agreement with a medical service corporation, doing business in
8 the city or town where the said physician, chiropractor,
9 optometrist or nurse midwife resides or has a usual place of
10 business, to perform medical, chiropractic, visual or midwifery
11 services. No participating physician or other participating
12 provider of health services shall charge to or collect from a

13 subscriber or covered dependent any amount in excess of the
14 amount of compensation determined and allowed by a medical
15 service corporation pursuant to the applicable method of
16 compensation approved by the commissioner, except when such
17 subscriber or covered dependent (a) is eligible for benefits under
18 a subscription certificate containing a provision permitting such
19 charge or collection when the subscriber or covered dependent (i)
20 is entitled to receive reimbursement or compensation from a third
21 party for the cost of the same or similar services or (ii) receives
22 money or its equivalent as a result of a claim against a third party
23 for loss or damages for personal injuries, and only in the
24 circumstances and to the extent so permitted, or (b) is eligible for
25 benefits under a subscription certificate which provides for
26 compensation to a participating physician or other participating
27 provider of health services under a nonprofit medical service plan
28 previously approved by the commissioner, the so-called "Plan B",
29 and has an annual income in excess of seven thousand five
30 hundred dollars, or (c) is eligible for benefits under a subscription
31 certificate under a group medical service agreement containing a
32 provision describing the specific circumstances under which and
33 the extent to which additional amounts may be charged or
34 collected; provided, however, that such provision has first been
35 approved in writing by the commissioner and has been requested
36 by the employer, employers or other representatives of the group
37 to which it applies, and only in the circumstances and to the extent
38 so described. This chapter shall not change the relations between
39 physician, chiropractor, optometrist or nurse midwife and patient.
40 No restriction shall be placed by any such corporation upon its
41 participating physicians, chiropractors, optometrists or nurse
42 midwives as to methods of diagnosis or treatment. No officer,
43 agent, or employee of a medical service corporation shall influence
44 or attempt to influence a subscriber or a covered dependent in
45 the choice of a participating physician, chiropractor, optometrist
46 or nurse midwife. A subscriber or a covered dependent, subject
47 to the by-laws, rules and regulations of a medical service
48 corporation and the terms and provisions of the subscription
49 certificate, shall be entitled to the benefits of this chapter upon
50 receiving medical, chiropractic, visual or midwifery service from
51 any participating physician, chiropractor, optometrist or nurse

52 midwife or, in the discretion of the corporation, upon receiving
53 medical, chiropractic, visual or midwifery service from any non-
54 participating physician, chiropractor, optometrist or nurse
55 midwife in an emergency or when outside the commonwealth. A
56 corporation may terminate its agreement with any participating
57 physician, chiropractor, optometrist, nurse midwife or any other
58 participating provider of health services licensed under the laws
59 of the commonwealth at any time (a) for failure to comply with
60 the reasonable rules and regulations of such corporation,
61 including without limitation, such rules and regulations governing
62 the keeping of accounts, records and statistics, the making of
63 reports and proof of services rendered, or (b) for presenting any
64 fraudulent, unreasonable, or improper claim for payment, or
65 compensation.

1 SECTION 3. Section 7 of chapter 176B of the General Laws
2 is hereby further amended by adding at the end thereof the
3 following paragraph: —

4 Nothing in section four or in this section shall be construed to
5 prohibit any medical service corporation from entering into
6 written agreements with its subscribers and with participating
7 optometrists to furnish visual services to subscribers and covered
8 dependents or from including visual services in its non-profit
9 medical service plan, nor shall any medical service corporation
10 discriminate in any way against participating optometrists in the
11 furnishing of visual services to its subscribers and covered
12 dependents.

The history of the United States is a story of growth and change. From a small collection of colonies on the eastern coast, it grew into a vast nation that spanned a continent. The early years were marked by struggle and uncertainty, as the colonies fought for their independence from Britain. The American Revolution was a pivotal moment in the nation's history, leading to the signing of the Declaration of Independence in 1776. The new nation then faced the challenge of creating a stable government, which was achieved through the drafting of the Constitution in 1787. The years following the Constitution were a period of rapid expansion and development. The United States acquired vast territories through purchase and conquest, and the population grew steadily. The Civil War, which began in 1861, was a defining moment in the nation's history, as it resolved the issue of slavery and preserved the Union. The Reconstruction era that followed was a period of significant change and progress, as the nation worked to rebuild and integrate the South. The late 19th and early 20th centuries were a time of great innovation and growth, with the United States emerging as a world power. The Industrial Revolution transformed the economy, and the United States became a leading nation in industry and technology. The Spanish-American War in 1898 marked the beginning of the United States' role as a global power. The 20th century has been a period of continued growth and change, with the United States playing a central role in world events. The Great Depression of the 1930s was a major challenge, but the United States emerged as a world leader in the aftermath of World War II. The Cold War era was a period of tension and competition with the Soviet Union, and the United States played a leading role in the struggle for global peace and stability. The 1960s and 1970s were a time of social and political upheaval, as the United States grappled with the Vietnam War and the civil rights movement. The 1980s and 1990s were a period of economic growth and technological advancement, and the United States emerged as a superpower. The 21st century has been a time of continued growth and change, with the United States playing a leading role in global affairs. The 9/11 attacks in 2001 were a defining moment in the nation's history, leading to the War on Terror and a period of increased security and surveillance. The 2008 financial crisis was a major challenge, but the United States emerged as a world leader in the aftermath. The 2010s and 2020s have been a period of continued growth and change, with the United States playing a leading role in global affairs. The COVID-19 pandemic in 2020 was a major challenge, but the United States emerged as a world leader in the aftermath. The 2020s have been a time of continued growth and change, with the United States playing a leading role in global affairs.