

By Ms. Pines, petition (accompanied by bill, Senate, No. 658) of Lois G. Pines, Janet W. O'Brien, Barbara Gardner, Therese Murray, Cheryl A. Jacques, Ellen Story, John A. Businger, Angelo M. Scaccia, Marc D. Draisen, Carol A. Donovan, Shirley Owens-Hicks, Karen O'Donnell, Althea Garrison, Marie-Louise Kehoe and Marian Walsh for legislation to mandate insurance coverage for bone densitometry. Insurance.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Three.

AN ACT TO MANDATE INSURANCE COVERAGE FOR BONE DENSITOMETRY.

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 175 of the General Laws, as appearing
2 in the 1990 Official Edition, is hereby amended by inserting after
3 section 47I the following section: —

4 Section 47J. Any blanket or general policy of insurance
5 described in subdivision (A), (C), or (D) of section one hundred
6 and ten which is issued or subsequently renewed by agreement
7 between the insurer and the policyholder, within or without the
8 commonwealth, during the period within which this premium is
9 effective, or any policy of accident or sickness insurance as
10 described in section one hundred and eight which provide hospital
11 expense and surgical expense insurance and which is delivered or
12 issued for delivery or subsequently renewed by agreement between
13 the insurer and the policyholder in the commonwealth, during the
14 period within which this provision is effective, or any employers'
15 health and welfare fund which provides hospital expense and
16 surgical expense benefits and which is issued or renewed to any
17 person or group of persons in the commonwealth, during the
18 period within which this provision is effective, shall provide
19 coverage to residents of the commonwealth for the expense of
20 bone densitometry, including but not limited to single photon
21 absorptiometry, dual photon absorptiometry and dual x-ray

22 absorptiometry. Said benefits shall be provided in accordance
23 with the following minimum requirements: (a) for women who
24 have falling estrogen levels, and who are not already using
25 estrogen replacement therapy, coverage shall include the expense
26 of two bone density tests in a lifetime, provided that no other
27 clinical indications of rapid bone loss arise, in which case coverage
28 shall be provided as necessary; and (b) coverage shall be provided
29 as necessary for patients who are diagnosed with a clinical
30 condition, other than a falling estrogen level, which indicates rapid
31 bone loss.

1 SECTION 2. Chapter 176A of the General Laws, as appearing
2 in the 1990 Official Edition, is hereby amended by inserting after
3 section 8L the following section: —

4 Section 8M. Any contract, except contracts providing
5 supplemental coverage to medicare or other governmental
6 programs, between a subscriber and the corporation under an
7 individual group hospital service plan which shall be delivered,
8 issued or renewed in the commonwealth shall provide, as a basic
9 benefit to all individual subscribers and members within the
10 commonwealth and to all group members having a principal place
11 of employment within the commonwealth, for expense of bone
12 densitometry, as set forth in section forty-seven J of chapter one
13 hundred and seventy-five.

1 SECTION 3. Chapter 176B of the General Laws, as appearing
2 in the 1990 Official Edition, is hereby amended by inserting after
3 section 4L the following section: —

4 Section 4M. Any subscription certificate under an individual
5 or group medical service agreement, except certificates which
6 provide supplemental coverage to Medicare or other governmen-
7 tal programs, which shall be delivered or issued or renewed in the
8 commonwealth shall provide, as benefits to all individual
9 subscribers and members within the commonwealth and to all
10 group members having a principal place of employment within
11 the commonwealth for expense of bone densitometry, as set forth
12 in section forty-seven J of chapter one hundred and seventy-five.

1 SECTION 4. The first paragraph of section 4 of chapter 176G
2 of the General Laws, as appearing in the 1990 Official Edition,
3 is hereby amended by inserting after the last sentence in line 20
4 the following sentence: —

5 Such health maintenance contract shall also provide coverage
6 for medically necessary bone densitometry as set forth in section
7 forty-seven J of chapter one hundred and seventy-five; provided,
8 however, that the determination of medical necessity shall be
9 made by the health maintenance organization's physician.

1 SECTION 5. The commissioner of insurance shall promulgate
2 rules and regulations under the authority of sections forty-seven J
3 of chapter one hundred and seventy-five, section eight M of
4 chapter one hundred and seventy-six A, and section four M of
5 chapter one hundred and seventy-six B, setting forth requirements
6 and conditions of coverage for bone density tests under the
7 authority of said statutes. In setting such requirements and
8 conditions, and particularly with respect to conditions which
9 indicate rapid bone loss, the commissioner of insurance shall
10 consult with the commissioner of public health, after reviewing
11 the recommendations of the National Osteoporosis Foundation.
12 Said rules and regulations shall be promulgated in accordance
13 with the requirements of sections two through six of chapter
14 thirty A.

