

HOUSE No. 1028

By Mr. Sánchez of Boston, a petition (accompanied by bill, House, No. 1028) of John D. Keenan and others relative to improving asthma health care coverage management. Financial Services.

The Commonwealth of Massachusetts

PRESENTED BY:

Jeffrey Sánchez

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 passage of the accompanying bill:

An Act to improve asthma management.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John D. Keenan	7th Essex
James B. Eldridge	Middlesex and Worcester
Cheryl A. Coakley-Rivera	10th Hampden
Frank I. Smizik	15th Norfolk
Gloria L. Fox	7th Suffolk
William N. Brownsberger	24th Middlesex
Byron Rushing	9th Suffolk
Lida E. Harkins	13th Norfolk
Kathi-Anne Reinstein	16th Suffolk
Jeffrey Sánchez	15th Suffolk
Joyce A. Spiliotis	12th Essex
Jennifer M. Callahan	18th Worcester

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
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AN ACT TO IMPROVE ASTHMA MANAGEMENT.

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 section 17I
2 the following section:-

3 Section 17J. The commission shall provide to any active or retired employee of the commonwealth or
4 their dependents who are insured under the group insurance commission coverage for the following
5 services and equipment in so far as said services and items are within a category of benefits or services
6 for which coverage is otherwise afforded and have been prescribed by a health care professional legally
7 authorized to prescribe such services for the management and treatment of asthma:

8 (a) All medically necessary equipment and services, including:

- 9 (1) Inhaler spacers
10 (2) Nebulizers, including face masks and tubing
11 (3) Peak flow meters
12 (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest management
13 services, if there is evidence of exposure sensitivity to specific allergens or evidence of
14 conditions known to lead to sensitivity

15 (b) Asthma education and chronic disease management

16 (1) As used in this section, asthma education and chronic disease management shall mean instruction
17 that will enable asthmatic patients and their families to understand the disease process, the daily
18 management of asthma, and how to properly use the equipment identified in subdivision (a) following
19 the national asthma management guidelines as published by the National Heart, Lung and Blood
20 Institute. Said services shall include, at a minimum: (i) individualized education or group health
21 education classes in an outpatient setting and (ii) home-based education in disease management and
22 environmental assessment in order to identify and reduce exposures to allergens, as prescribed by a
23 treating provider.

24 (2) Said services shall be provided by a certified asthma health care provider participating with the
25 insurance contract or affiliated with a provider participating with the insurance contract. As used in
26 this section, a "certified asthma health care provider" shall mean a licensed or registered health care
27 professional, an asthma educator certified by the National Asthma Educator Certification Board, or a
28 community health worker with training in chronic disease management as recognized by the
29 Department of Public Health.

30 The benefits provided in this section shall meet all other terms and conditions within an insurance plan.
31 Coverage shall not be reduced or eliminated due to the requirements of this section.

32 **SECTION 2.** Chapter 118E of the General Laws is hereby amended by inserting after section 10F, as so
33 appearing, the following section:-

34 Section 10G. The office shall provide coverage for the following services and equipment in so far as said
35 services and items are within a category of benefits or services for which coverage is otherwise afforded
36 and have been prescribed by a health care professional legally authorized to prescribe such services for
37 the management and treatment of asthma:

38 (a) All medically necessary equipment and services, including:

- 39 (1) Inhaler spacers
40 (2) Nebulizers, including face masks and tubing
41 (3) Peak flow meters
42 (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest management
43 services, if there is evidence of exposure sensitivity to specific allergens or evidence of
44 conditions known to lead to sensitivity

45 (b) Asthma education and chronic disease management

46 (1) As used in this section, asthma education and chronic disease management shall mean instruction
47 that will enable asthmatic patients and their families to understand the disease process, the daily
48 management of asthma, and how to properly use the equipment identified in subdivision (a) following
49 the national asthma management guidelines as published by the National Heart, Lung and Blood
50 Institute. Said services shall include, at a minimum: (i) individualized education or group health
51 education classes in an outpatient setting and (ii) home-based education in disease management and
52 environmental assessment in order to identify and reduce exposures to allergens, as prescribed by a
53 treating provider.

54 (2) Said services shall be provided by a certified asthma health care provider participating with the
55 insurance contract or affiliated with a provider participating with the insurance contract. As used in
56 this section, a "certified asthma health care provider" shall mean a licensed or registered health care
57 professional, an asthma educator certified by the National Asthma Educator Certification Board, or a
58 community health worker with training in chronic disease management as recognized by the
59 Department of Public Health.

60 **SECTION 3.** Chapter 118H of the General Laws is hereby amended by inserting the following
61 section:

62 Section 7. Any policy of insurance for accident or sickness, or agreement for medical or health services,
63 which shall be delivered or issued or renewed or certified in this Commonwealth through the

64 Commonwealth Care Health Insurance Program described in Chapter 118H of the General Laws, shall
65 provide as a benefit to all individual subscribers and members within the Commonwealth, the following
66 services and equipment in so far as said services and items are within a category of benefits or services
67 for which coverage is otherwise afforded and have been prescribed by a health care professional legally
68 authorized to prescribe such services for the management and treatment of asthma:

69 (a) All medically necessary equipment and services, including:

- 70 (5) Inhaler spacers
- 71 (6) Nebulizers, including face masks and tubing
- 72 (7) Peak flow meters
- 73 (8) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest management
74 services, if there is evidence of exposure sensitivity to specific allergens or evidence of
75 conditions known to lead to sensitivity

76 (b) Asthma education and chronic disease management

77 (1) As used in this section, asthma education and chronic disease management shall mean instruction
78 that will enable asthmatic patients and their families to understand the disease process, the daily
79 management of asthma, and how to properly use the equipment identified in subdivision (a) following
80 the national asthma management guidelines as published by the National Heart, Lung and Blood
81 Institute. Said services shall include, at a minimum: (i) individualized education or group health
82 education classes in an outpatient setting and (ii) home-based education in disease management and
83 environmental assessment in order to identify and reduce exposures to allergens, as prescribed by a
84 treating provider.

85 (2) Said services shall be provided by a certified asthma health care provider participating with the
86 insurance contract or affiliated with a provider participating with the insurance contract. As used in
87 this section, a "certified asthma health care provider" shall mean a licensed or registered health care
88 professional, an asthma educator certified by the National Asthma Educator Certification Board, or a
89 community health worker with training in chronic disease management as recognized by the
90 Department of Public Health.

91 **SECTION 4.** Chapter 175 of the General Laws is hereby amended by inserting after section 47Z, as so
92 appearing, the following section:-

93 Section 47AA. An individual policy of accident and sickness insurance issued pursuant to section 108
94 which provides hospital expense and surgical expense insurance, and any group blanket policy of accident
95 and sickness insurance issued pursuant to section 110 which provides hospital expense and surgical
96 expense insurance, delivered, issued or renewed by agreement between the insurer and the policyholder,
97 within or without the commonwealth, shall provide coverage for the following services and items for
98 subscribers with asthma in so far as said services and items are within a category of benefits or services
99 for which coverage is otherwise afforded and have been prescribed by a health care professional legally
100 authorized to prescribe such services for the management and treatment of asthma:

101 (a) All medically necessary equipment and services, including:

- 102 (1) Inhaler spacers
- 103 (2) Nebulizers, including face masks and tubing

- 104 (3) Peak flow meters
105 (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest management
106 services, if there is evidence of exposure sensitivity to specific allergens or evidence of
107 conditions known to lead to sensitivity
108 (b) Asthma education and chronic disease management

109 (1) As used in this section, asthma education and chronic disease management shall mean instruction
110 that will enable asthmatic patients and their families to understand the disease process, the daily
111 management of asthma, and how to properly use the equipment identified in subdivision (a) following
112 the national asthma management guidelines as published by the National Heart, Lung and Blood
113 Institute. Said services shall include, at a minimum: (i) individualized education or group health
114 education classes in an outpatient setting and (ii) home-based education in disease management and
115 environmental assessment in order to identify and reduce exposures to allergens, as prescribed by a
116 treating provider.

117 (2) Said services shall be provided by a certified asthma health care provider participating with the
118 insurance contract or affiliated with a provider participating with the insurance contract. As used in
119 this section, a "certified asthma health care provider" shall mean a licensed or registered health care
120 professional, an asthma educator certified by the National Asthma Educator Certification Board, or a
121 community health worker with training in chronic disease management as recognized by the
122 Department of Public Health.

123 The benefits provided in this section shall meet all other terms and conditions within a subscription
124 certificate. Hospital service plans shall not reduce or eliminate coverage due to the requirements of this
125 section.

126 **SECTION 5.** Chapter 176A of the General Laws is hereby amended by inserting after section 8BB, as so
127 appearing, the following section:-

128 Section 8CC. Any contract between a subscriber and the corporation under an individual or group hospital
129 service plan, which shall be delivered, issued or renewed by agreement between the insurer and the
130 policyholder, within or without the commonwealth, shall provide coverage for the following services and
131 items for subscribers with asthma in so far as said services and items are within a category of benefits or
132 services for which coverage is otherwise afforded and have been prescribed by a health care professional
133 legally authorized to prescribe such services for the management and treatment of asthma:

134 (a) All medically necessary equipment and services, including:

- 135 (1) Inhaler spacers
136 (2) Nebulizers, including face masks and tubing
137 (3) Peak flow meters
138 (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest management
139 services, if there is evidence of exposure sensitivity to specific allergens or evidence of
140 conditions known to lead to sensitivity

141 (b) Asthma education and chronic disease management

142 (1) As used in this section, asthma education and chronic disease management shall mean instruction
143 that will enable asthmatic patients and their families to understand the disease process, the daily

144 management of asthma, and how to properly use the equipment identified in subdivision (a) following
145 the national asthma management guidelines as published by the National Heart, Lung and Blood
146 Institute. Said services shall include, at a minimum: (i) individualized education or group health
147 education classes in an outpatient setting and (ii) home-based education in disease management and
148 environmental assessment in order to identify and reduce exposures to allergens, as prescribed by a
149 treating provider.

150 (2) Said services shall be provided by a certified asthma health care provider participating with the
151 insurance contract or affiliated with a provider participating with the insurance contract. As used in
152 this section, a "certified asthma health care provider" shall mean a licensed or registered health care
153 professional, an asthma educator certified by the National Asthma Educator Certification Board, or a
154 community health worker with training in chronic disease management as recognized by the
155 Department of Public Health.

156 The benefits provided in this section shall meet all other terms and conditions within a subscription
157 certificate. Medical service agreements shall not reduce or eliminate coverage due to the requirements of
158 this section.

159 **SECTION 6.** Chapter 176B of the General Laws is hereby amended by inserting after section 4BB, as so
160 appearing, the following section:-

161 Section 4CC. (a) Any subscription certificate under an individual or group medical service agreement
162 which shall be delivered, issued or renewed within the commonwealth shall provide as benefits to all
163 individual subscribers or members within the commonwealth and to all group members having a principal
164 place of employment within the commonwealth, shall provide coverage for following services and items
165 for subscribers with asthma in so far as said services and items are within a category of benefits or
166 services for which coverage is otherwise afforded and have been prescribed by a health care professional
167 legally authorized to prescribe such services for the management and treatment of asthma:

168 (a) All medically necessary equipment and services, including:

- 169 (1) Inhaler spacers
170 (2) Nebulizers, including face masks and tubing
171 (3) Peak flow meters
172 (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest management
173 services, if there is evidence of exposure sensitivity to specific allergens or evidence of
174 conditions known to lead to sensitivity

175 (b) Asthma education and chronic disease management

176 (1) As used in this section, asthma education and chronic disease management shall mean instruction
177 that will enable asthmatic patients and their families to understand the disease process, the daily
178 management of asthma, and how to properly use the equipment identified in subdivision (a) following
179 the national asthma management guidelines as published by the National Heart, Lung and Blood
180 Institute. Said services shall include, at a minimum: (i) individualized education or group health
181 education classes in an outpatient setting and (ii) home-based education in disease management and
182 environmental assessment in order to identify and reduce exposures to allergens, as prescribed by a
183 treating provider.

184 (2) Said services shall be provided by a certified asthma health care provider participating with the
185 insurance contract or affiliated with a provider participating with the insurance contract. As used in
186 this section, a "certified asthma health care provider" shall mean a licensed or registered health care
187 professional, an asthma educator certified by the National Asthma Educator Certification Board, or a
188 community health worker with training in chronic disease management as recognized by the
189 Department of Public Health.

190 The benefits provided in this section shall meet all other terms and conditions within a subscription
191 certificate. Medical service agreements shall not reduce or eliminate coverage due to the requirements of
192 this section.

193 **SECTION 7.** Chapter 176G of the General Laws is hereby amended by inserting after section 4T, as so
194 appearing, the following section:-

195 Section 4U. Any individual or group health maintenance contract delivered, issued or renewed by
196 agreement between the insurer and the policyholder, within or without the commonwealth, shall provide
197 coverage for the following services and items for subscribers with asthma in so far as said services and
198 items are within a category of benefits or services for which coverage is otherwise afforded and have been
199 prescribed by a health care professional legally authorized to prescribe such services for the management
200 and treatment of asthma:

201 (a) All medically necessary equipment and services, including:

- 202 (1) Inhaler spacers
- 203 (2) Nebulizers, including face masks and tubing
- 204 (3) Peak flow meters
- 205 (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest management
- 206 services, if there is evidence of exposure sensitivity to specific allergens or evidence of
- 207 conditions known to lead to sensitivity

208 (b) Asthma education and chronic disease management

209 (1) As used in this section, asthma education and chronic disease management shall mean instruction
210 that will enable asthmatic patients and their families to understand the disease process, the daily
211 management of asthma, and how to properly use the equipment identified in subdivision (a) following
212 the national asthma management guidelines as published by the National Heart, Lung and Blood
213 Institute. Said services shall include, at a minimum: (i) individualized education or group health
214 education classes in an outpatient setting and (ii) home-based education in disease management and
215 environmental assessment in order to identify and reduce exposures to allergens, as prescribed by a
216 treating provider.

217 (2) Said services shall be provided by a certified asthma health care provider participating with the
218 insurance contract or affiliated with a provider participating with the insurance contract. As used in
219 this section, a "certified asthma health care provider" shall mean a licensed or registered health care
220 professional, an asthma educator certified by the National Asthma Educator Certification Board, or a
221 community health worker with training in chronic disease management as recognized by the
222 Department of Public Health.

223 The benefits provided in this section shall meet all other terms and conditions within a health maintenance
224 contract. Health maintenance contracts shall not reduce or eliminate coverage due to the requirements of
225 this section.