SENATE DOCKET, NO. FILED ON: 1/14/2009

**SENATE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PRESENTED BY:

**Karen E. Spilka (BY REQUEST)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*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 Relative to a Dental, Prescription, and Vision Coverage Opt-Out Clause .

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Carol J. Spack | 9 Craig Road Framingham, MA 01701-7601 |

The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act Relative to a Dental, Prescription, and Vision Coverage Opt-Out Clause .

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. Chapter 111M of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by adding to Section 1 at the end of that section the following paragraphs:

"Minimum Creditable Coverage" may include an individual or group health plan as described by Section 1 of Chapter 111M notwithstanding that any such health plan does not include any of the following:

(i) dental coverage;

(ii) prescription coverage;

(iii) vision coverage;

provided that the individual covered by such plan elects in writing to opt out of the coverages (i)-(iii) above or any one of them.

To opt out, the covered individual shall file a written opt out election with his health plan provider stating which coverage has not been elected (i)-(iii). An opt out election shall be filed annually by the covered person by January 15 for the current year to which the election applies or during the open enrollment period for his plan. The covered individual shall retain a copy of the opt out election filed with his health plan provider.

This opt out election satisfies the requirement for demonstrating creditable coverage under paragraph 1(a). This opt out election also qualifies a taxpayer under paragraph 2(b) to indicate to the Commissioner of Revenue that such person, as of the last day of the taxable year for which the return is filed has creditable coverage in force as required by paragraph (a).