

**HOUSE . . . . . No.**

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**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:

John D. Keenan

DISTRICT/ADDRESS:

7th Essex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1071 OF 2007-2008.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the Year Two Thousand and Nine**  
\_\_\_\_\_

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  
17 instruction that will enable asthmatic patients and their families to understand the disease process,  
18 the daily management of asthma, and how to properly use the equipment identified in subdivision  
19 (a) following the national asthma management guidelines as published by the National Heart, Lung

20 and Blood Institute. Said services shall include, at a minimum: (i) individualized education or group  
21 health education classes in an outpatient setting and (ii) home-based education in disease  
22 management and environmental assessment in order to identify and reduce exposures to allergens,  
23 as prescribed by a 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  
47 instruction that will enable asthmatic patients and their families to understand the disease process,  
48 the daily management of asthma, and how to properly use the equipment identified in subdivision  
49 (a) following the national asthma management guidelines as published by the National Heart, Lung  
50 and Blood Institute. Said services shall include, at a minimum: (i) individualized education or group  
51 health education classes in an outpatient setting and (ii) home-based education in disease  
52 management and environmental assessment in order to identify and reduce exposures to allergens,  
53 as prescribed by a 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  
78 instruction that will enable asthmatic patients and their families to understand the disease process,  
79 the daily management of asthma, and how to properly use the equipment identified in subdivision  
80 (a) following the national asthma management guidelines as published by the National Heart, Lung  
81 and Blood Institute. Said services shall include, at a minimum: (i) individualized education or group  
82 health education classes in an outpatient setting and (ii) home-based education in disease  
83 management and environmental assessment in order to identify and reduce exposures to allergens,  
84 as prescribed by a 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

95 accident and sickness insurance issued pursuant to section 110 which provides hospital expense and  
96 surgical expense insurance, delivered, issued or renewed by agreement between the insurer and the  
97 policyholder, within or without the commonwealth, shall provide coverage for the following services  
98 and items for subscribers with asthma in so far as said services and items are within a category of  
99 benefits or services for which coverage is otherwise afforded and have been prescribed by a health care  
100 professional legally 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  
110 instruction that will enable asthmatic patients and their families to understand the disease process,  
111 the daily management of asthma, and how to properly use the equipment identified in subdivision  
112 (a) following the national asthma management guidelines as published by the National Heart, Lung  
113 and Blood Institute. Said services shall include, at a minimum: (i) individualized education or group  
114 health education classes in an outpatient setting and (ii) home-based education in disease  
115 management and environmental assessment in order to identify and reduce exposures to allergens,  
116 as prescribed by a 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  
129 hospital service plan, which shall be delivered, issued or renewed by agreement between the insurer  
130 and the policyholder, within or without the commonwealth, shall provide coverage for the following  
131 services and items for subscribers with asthma in so far as said services and items are within a category  
132 of benefits or services for which coverage is otherwise afforded and have been prescribed by a health

133 care professional legally authorized to prescribe such services for the management and treatment of  
134 asthma:

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

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

142 (b) Asthma education and chronic disease management

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

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

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

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

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

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

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

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

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

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

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

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

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

- 203 (1) Inhaler spacers
- 204 (2) Nebulizers, including face masks and tubing
- 205 (3) Peak flow meters

206 (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest management  
207 services, if there is evidence of exposure sensitivity to specific allergens or evidence of  
208 conditions known to lead to sensitivity  
209 (b) Asthma education and chronic disease management

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

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

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