

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Harriette L. Chandler**

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*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 include fluoride varnish in all health insurance coverage in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Harriette L. Chandler	First Worcester
John W. Scibak	2nd Hampshire

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT TO INCLUDE FLUORIDE VARNISH IN ALL HEALTH INSURANCE COVERAGE IN THE COMMONWEALTH.

*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 adding the  
2 following section:–

3  
4 Section 25. The commission shall provide to any active or retired employee of the  
5 commonwealth who is insured under the commission coverage for fluoride varnish for moderate  
6 to high caries risk patients. The department of public health shall promulgate rules and  
7 regulations establishing criteria for eligibility for coverage hereunder, provided that Qualified  
8 Physicians, Physician’s Assistants, Nurse Practitioners, Registered Nurses, and Licensed  
9 Practical Nurses, and Certified Medical Assistants who have met the training requirements  
10 outlined by the department of public health shall provide this service.

11 SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after section 47Z  
12 the following section:–

13 Section 47AA. Any blanket or general policy of insurance, except a blanket or general  
14 policy of insurance which provides supplemental coverage to Medicare or other governmental  
15 programs, described in subdivision (A), (C) or (D) of section 110 which provides hospital  
16 expense and surgical expense insurance and which is issued or subsequently renewed by  
17 agreement between the insurer and the policy holder, within or without the commonwealth,  
18 during the period this section is effective, or any policy of accident or sickness insurance as  
19 described in section 108 which provides hospital expense and surgical expense insurance, except  
20 a policy which provides supplemental coverage to Medicare or other governmental programs,

21 and which is delivered or issued for delivery or subsequently renewed by agreement between the  
22 insurer and the policy holder in the commonwealth, during the period that this section is  
23 effective, or any employees' health and welfare fund which provides hospital expense and  
24 surgical expense benefits and which is promulgated or renewed to any person or group of  
25 persons in the commonwealth, while this section is effective, shall provide coverage for fluoride  
26 varnish for moderate to high caries risk patients. The department of public health shall  
27 promulgate rules and regulations establishing criteria for eligibility for coverage hereunder,  
28 provided that Qualified Physicians, Physician's Assistants, Nurse Practitioners, Registered  
29 Nurses, and Licensed Practical Nurses, and Certified Medical Assistants who have met the  
30 training requirements outlined by the department of public health shall provide this service.

31 SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after section  
32 8BB the following section:–

33 Section 8CC. (a) A contract between a subscriber and the corporation under an  
34 individual or group hospital service plan which provides hospital expense and surgical expense  
35 insurance, except contracts providing supplemental coverage to Medicare or other governmental  
36 programs, delivered, issued or renewed by agreement between the insurer and the policyholder,  
37 within or without the commonwealth, shall provide benefits to all individual subscribers and  
38 members within the commonwealth and to all group members having a principal place of  
39 employment within the commonwealth for coverage for fluoride varnish for moderate to high  
40 caries risk patients. The department of public health shall promulgate rules and regulations  
41 establishing criteria for eligibility for coverage hereunder, provided that Qualified Physicians,  
42 Physician's Assistants, Nurse Practitioners, Registered Nurses, and Licensed Practical Nurses,  
43 and Certified Medical Assistants who have met the training requirements outlined by the  
44 department of public health shall provide this service

45 SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after section  
46 4AA the following section:–

47 Section 4BB. Any subscription certificate under an individual or group medical service  
48 agreement, except certificates which provide supplemental coverage to Medicare or other  
49 governmental programs that shall be delivered, issued or renewed within the commonwealth  
50 shall provide, as benefits to all individual subscribers or members within the commonwealth and  
51 to all group members having a principal place of employment within the commonwealth,  
52 coverage for fluoride varnish for moderate to high caries risk patients. The department of public  
53 health shall promulgate rules and regulations establishing criteria for eligibility for coverage  
54 hereunder, provided that Qualified Physicians, Physician's Assistants, Nurse Practitioners,  
55 Registered Nurses, and Licensed Practical Nurses, and Certified Medical Assistants who have  
56 met the training requirements outlined by the department of public health shall provide this  
57 service

58 SECTION 5. Chapter 176G of the General Laws is hereby amended by inserting after section 4S  
59 the following section:–

60           Section 4T. Individual and group health maintenance contracts shall provide coverage  
61 for fluoride varnish for moderate to high caries risk patients. The department of public health  
62 shall promulgate rules and regulations establishing criteria for eligibility for coverage hereunder,  
63 provided that Qualified Physicians, Physician’s Assistants, Nurse Practitioners, Registered  
64 Nurses, and Licensed Practical Nurses, and Certified Medical Assistants who have met the  
65 training requirements outlined by the department of public health shall provide this service

66   SECTION 6. This act shall apply to all policies, contracts, agreements, plans or certificates of  
67 insurance issued or delivered within the commonwealth on or after January 1, 2014, or upon  
68 renewal to all policies, contracts, agreements, plans or certificates of insurance in effect before  
69 January 1, 2010.

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