

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Creem, Cynthia (SEN)

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 Mandate Insurance Coverage For Bone Mass Measurement Testing For The Diagnosis Of Osteoporosis.

PETITION OF:

NAME:

Creem, Cynthia (SEN)

DISTRICT/ADDRESS:

First Middlesex and Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00584 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

**AN ACT TO MANDATE INSURANCE COVERAGE FOR BONE MASS MEASUREMENT
TESTING FOR THE DIAGNOSIS OF OSTEOPOROSIS.**

*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 in the 2006 Official Edition, is hereby
2 amended by inserting after section 47Z the following section:-
3 Section 47AA. Any blanket or general policy of insurance described in subdivision (A), (C), or (D) of
4 section one hundred and ten which is issued or subsequently renewed by agreement between the
5 insurer and the policyholder, within or without the commonwealth, during the period within which this
6 premium is effective, or any policy of accident or sickness insurance as described in section one hundred
7 and eight which provides hospital expense and surgical expense insurance and which is delivered or
8 issued for delivery or subsequently renewed by agreement between the insurer and the policyholder in
9 the commonwealth, during the period within which this provision is effective, or any employers' health
10 and welfare fund which provides hospital expense and surgical expense benefits and which is issued or
11 renewed to any person or group of persons in the commonwealth, during the period within which this
12 provision is effective,

13 shall provide coverage to residents of the commonwealth for bone densitometry, including but not
14 limited to single photon absorptiometry, dual photon absorptiometry and dual x-ray absorptiometry.
15 Said benefits shall be provided in accordance with rules and regulations promulgated by the
16 commissioner of insurance in consultation with the commissioner of public health.

17 SECTION 2. Chapter 176A of the General laws, as appearing in the 2006 Official Edition, is hereby
18 amended by inserting after section 8AA the following section:-

19 Section 8AB. Any contract, except contracts providing supplemental coverage to medicare or other
20 governmental programs, between a subscriber and the corporation under an individual group hospital
21 service plan which shall be delivered, issued or renewed in the commonwealth shall provide, as a basic
22 benefit to all individual subscribers and members within the commonwealth and to all group members
23 having a principal place of employment within the commonwealth, coverage for bone densitometry,
24 including but not limited to single photon absorptiometry, dual photon absorptiometry and dual x-ray
25 absorptiometry. Said benefits shall be provided in accordance with rules and regulations promulgated
26 by the commissioner of insurance in consultation with the commissioner of public health.

27 SECTION 3. Chapter 176B of the General laws, as appearing in the 2006 Official Edition, is hereby
28 amended by inserting after section 4AA the following section:-

29 Section 4AB. Any subscription certificate under an individual or group medical service agreement,
30 except certificates which provide supplemental coverage to Medicare or other governmental programs,
31 which shall be delivered or issued or renewed in the commonwealth shall provide as benefits to all
32 individual subscribers and members within the commonwealth and to all group members having a
33 principal place of employment within the commonwealth, coverage for bone densitometry, including
34 but not limited to single photon absorptiometry, dual photon absorptiometry and dual x-ray
35 absorptiometry. Said benefits shall be provided in accordance with rules and regulations promulgated
36 by the commissioner of insurance in consultation with the commissioner of public health.

37 SECTION 4. The first paragraph of section 4 of chapter 176G of the General laws, as appearing in the
38 2006 Official Edition, is hereby amended by inserting after the last sentence on line 26 the following
39 sentence:-

40 “Such health maintenance contract shall also provide coverage for medically necessary bone
41 densitometry as set forth in section forty-seven AA of chapter one hundred and seventy-five.”

42 SECTION 5. The commissioner of insurance, in consultation with the commissioner of public health,
43 shall promulgate rules and regulations under the authority of sections 47AA of chapter 175, section 8AB
44 of chapter 176A, section 4AB of chapter 176B, setting forth requirements and conditions of coverage for
45 bone densitometry; requirements and conditions of coverage shall include: (a) for women who have
46 falling estrogen levels, and who are not already using estrogen replacement therapy, coverage shall
47 include the expense of two bone density tests in a lifetime provided that no other clinical indications of
48 rapid bone loss arise, in which case coverage shall not be limited, but shall be provided as necessary;
49 and (b) coverage shall be provided as necessary for patients who are diagnosed with a clinical condition,
50 other than a falling estrogen level, which indicates rapid bone loss. In setting such requirements and
51 conditions with respect to conditions other than a falling estrogen level which indicate rapid bone loss,
52 the commissioner of insurance shall review the recommendations of the National Osteoporosis
53 Foundation. Said rules and regulations shall be promulgated in accordance with the requirements of
54 sections two through six of chapter thirty A.