

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Mr. Buoniconti

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:

Mr. Buoniconti

DISTRICT/ADDRESS:

Hampden

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
2 section 17I the following section:-

3

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

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

11 (1) Inhaler spacers

12 (2) Nebulizers, including face masks and tubing

13 (3) Peak flow meters

14 (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest
15 management services, if there is evidence of exposure sensitivity to specific allergens
16 or evidence of conditions known to lead to sensitivity

17 (b) Asthma education and chronic disease management

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

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

32

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

36

37 **SECTION 2.** Chapter 118E of the General Laws is hereby amended by inserting after section
38 10F, as so appearing, the following section:-

39

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

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

45 (1) Inhaler spacers

46 (2) Nebulizers, including face masks and tubing

47 (3) Peak flow meters

48 (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest

49 management services, if there is evidence of exposure sensitivity to specific allergens

50 or evidence of conditions known to lead to sensitivity

51 (b) Asthma education and chronic disease management

52 (1) As used in this section, asthma education and chronic disease management shall mean

53 instruction that will enable asthmatic patients and their families to understand the disease

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

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

66

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

69

70 Section 7. Any policy of insurance for accident or sickness, or agreement for medical or health
71 services, which shall be delivered or issued or renewed or certified in this Commonwealth
72 through the Commonwealth Care Health Insurance Program described in Chapter 118H of the
73 General Laws, shall provide as a benefit to all individual subscribers and members within the
74 Commonwealth, the following services and equipment in so far as said services and items are
75 within a category of benefits or services for which coverage is otherwise afforded and have been

76 prescribed by a health care professional legally authorized to prescribe such services for the
77 management and treatment of asthma:

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

79 (5) Inhaler spacers

80 (6) Nebulizers, including face masks and tubing

81 (7) Peak flow meters

82 (8) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest
83 management services, if there is evidence of exposure sensitivity to specific allergens
84 or evidence of conditions known to lead to sensitivity

85 (b) Asthma education and chronic disease management

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

94 (2) Said services shall be provided by a certified asthma health care provider participating
95 with the insurance contract or affiliated with a provider participating with the insurance
96 contract. As used in this section, a “certified asthma health care provider” shall mean a
97 licensed or registered health care professional, an asthma educator certified by the National

98 Asthma Educator Certification Board, or a community health worker with training in chronic
99 disease management as recognized by the Department of Public Health.

100

101 **SECTION 4.** Chapter 175 of the General Laws is hereby amended by inserting after section
102 47Z, as so appearing, the following section:-

103

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

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

114 (1) Inhaler spacers

115 (2) Nebulizers, including face masks and tubing

116 (3) Peak flow meters

117 (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest
118 management services, if there is evidence of exposure sensitivity to specific allergens
119 or evidence of conditions known to lead to sensitivity

120 (b) Asthma education and chronic disease management

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

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

135

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

139

140 **SECTION 5.** Chapter 176A of the General Laws is hereby amended by inserting after section
141 8BB, as so appearing, the following section:-

142

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

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

151 (1) Inhaler spacers

152 (2) Nebulizers, including face masks and tubing

153 (3) Peak flow meters

154 (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest
155 management services, if there is evidence of exposure sensitivity to specific allergens
156 or evidence of conditions known to lead to sensitivity

157 (b) Asthma education and chronic disease management

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

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

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

172

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

176

177 **SECTION 6.** Chapter 176B of the General Laws is hereby amended by inserting after section
178 4BB, as so appearing, the following section:-

179

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

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

189 (1) Inhaler spacers

190 (2) Nebulizers, including face masks and tubing

191 (3) Peak flow meters

192 (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest
193 management services, if there is evidence of exposure sensitivity to specific allergens
194 or evidence of conditions known to lead to sensitivity

195 (b) Asthma education and chronic disease management

196 (1) As used in this section, asthma education and chronic disease management shall mean
197 instruction that will enable asthmatic patients and their families to understand the disease
198 process, the daily management of asthma, and how to properly use the equipment identified
199 in subdivision (a) following the national asthma management guidelines as published by the
200 National Heart, Lung and Blood Institute. Said services shall include, at a minimum: (i)
201 individualized education or group health education classes in an outpatient setting and (ii)

202 home-based education in disease management and environmental assessment in order to
203 identify and reduce exposures to allergens, as prescribed by a treating provider.

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

210

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

214

215 **SECTION 7.** Chapter 176G of the General Laws is hereby amended by inserting after section
216 4T, as so appearing, the following section:-

217

218 Section 4U. Any individual or group health maintenance contract delivered, issued or renewed
219 by agreement between the insurer and the policyholder, within or without the commonwealth,
220 shall provide coverage for the following services and items for subscribers with asthma in so far
221 as said services and items are within a category of benefits or services for which coverage is

222 otherwise afforded and have been prescribed by a health care professional legally authorized to
223 prescribe such services for the management and treatment of asthma:

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

225 (1) Inhaler spacers

226 (2) Nebulizers, including face masks and tubing

227 (3) Peak flow meters

228 (4) Allergen proof bedding covers, HEPA vacuums and filters, and integrated pest
229 management services, if there is evidence of exposure sensitivity to specific allergens
230 or evidence of conditions known to lead to sensitivity

231 (b) Asthma education and chronic disease management

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

240 (2) Said services shall be provided by a certified asthma health care provider participating
241 with the insurance contract or affiliated with a provider participating with the insurance
242 contract. As used in this section, a “certified asthma health care provider” shall mean a
243 licensed or registered health care professional, an asthma educator certified by the National

244 Asthma Educator Certification Board, or a community health worker with training in chronic
245 disease management as recognized by the Department of Public Health.

246

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