

HOUSE No. 1159

The Commonwealth of Massachusetts

PRESENTED BY:

Tommy Vitolo

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 adoption of the accompanying bill:

An Act relative to parental choice for medically fragile students.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>1/19/2023</i>

HOUSE No. 1159

By Representative Vitolo of Brookline, a petition (accompanied by bill, House, No. 1159) of Tommy Vitolo relative to health insurance coverage for certain medically fragile students. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to parental choice for medically fragile students.

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 Section 33. The commission shall provide to an active or retired employee of the
4 commonwealth who is insured under the group insurance commission benefits on a
5 nondiscriminatory basis for the medically necessary treatment for disease, illness, injury or
6 bodily dysfunction which are required by a student’s individual education program,
7 individualized family service plan, individualized service plan or the federal Individuals with
8 Disabilities Education Improvement Act.

9 SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after
10 section 47TT the following section:-

11 Section 47UU. An individual policy of accident and sickness insurance issued under
12 section 108 that provides hospital expense and surgical expense insurance and any group blanket

13 or general policy of accident and sickness insurance issued under section 110 that provides
14 hospital expense and surgical expense insurance, which is issued or renewed within or without
15 the commonwealth, shall provide benefits on a nondiscriminatory basis for the medically
16 necessary treatment for disease, illness, injury or bodily dysfunction which are required by a
17 student's individual education program, individualized family service plan, individualized
18 service plan or the federal Individuals with Disabilities Education Improvement Act.

19 SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after
20 section 8UU the following section:-

21 Section 8VV. A contract between a subscriber and the corporation under an individual or
22 group hospital service plan which is issued or renewed within or without the commonwealth
23 shall provide benefits on a nondiscriminatory basis for the medically necessary treatment for
24 disease, illness, injury or bodily dysfunction which are required by a student's individual
25 education program, individualized family service plan, individualized service plan or the federal
26 Individuals with Disabilities Education Improvement Act.

27 SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after
28 section 4OO the following section:-

29 Section 4PP. A subscription certificate under an individual or group medical service
30 agreement which is issued or renewed within or without the commonwealth shall provide
31 benefits on a nondiscriminatory basis for the medically necessary treatment for disease, illness,
32 injury, or bodily dysfunction which are required by a student's individual education program,
33 individualized family service plan, individualized service plan or the federal Individuals with
34 Disabilities Education Improvement Act.

35 SECTION 5. Chapter 176G of the General Laws is hereby amended by inserting after
36 section 4GG the following section:-

37 Section 4HH. A health maintenance contract issued or renewed within or without the
38 commonwealth shall provide benefits on a nondiscriminatory basis for the medically necessary
39 treatment for disease, illness, injury or bodily dysfunction which are required by a student's
40 individual education program, individualized family service plan, individualized service plan or
41 the federal Individuals with Disabilities Education Improvement Act.

42 SECTION 6. All policies, contracts and certificates of health insurance subject to section
43 33 of chapter 32A, section 47UU of chapter 175, section 8VV of chapter 176A, section 4PP of
44 chapter 176B, and section 4HH of chapter 176G of the General Laws which are delivered, issued
45 or renewed on or after January 1, 2015 shall conform with the provisions of this act. Form filings
46 implementing this act shall be subject to the approval of the commissioner of insurance.

47 SECTION 8. This act shall take effect on January 1, 2024.