

HOUSE No. 911

The Commonwealth of Massachusetts

PRESENTED BY:

Christine P. Barber

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 to increase access to lactation support through proper reimbursement.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Christine P. Barber</i>	<i>34th Middlesex</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Randy Hunt</i>	<i>5th Barnstable</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>
<i>Denise C. Garlick</i>	<i>13th Norfolk</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>

Kevin G. Honan

17th Suffolk

David Henry Argosky LeBoeuf

17th Worcester

HOUSE No. 911

By Ms. Barber of Somerville, a petition (accompanied by bill, House, No. 911) of Christine P. Barber and others relative to coverage for lactation support by certain insurance providers. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to increase access to lactation support through proper reimbursement.

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 2014 Official
2 Addition, is amended by inserting as Section 47cc the following:

3 (A) Any blanket or general policy of insurance described in subdivision (A), (C), or
4 (D) of section 110 which is issued or subsequently renewed by agreement between the insurer
5 and the policyholder, within or without the commonwealth, during the period this provision is
6 effective, or any policy of accident and sickness insurance as described in section 108 which
7 provides hospital expense and surgical expense insurance and which is delivered or issued for
8 delivery or subsequently renewed by agreement between the insurer and the policyholder in the
9 commonwealth during the period that this provision is effective shall provide, to the same extent
10 that benefits are provided for other pregnancy-related procedures coverage for lactation support
11 consisting of, at minimum, lactation care and services by qualified lactation care providers
12 provided that such services are within the lawful scope of practice for such providers, the costs

13 of breastfeeding equipment, and the performance of any necessary maternal and newborn clinical
14 assessments.

15 (B) For purposes of this Section:

16 “Breastfeeding equipment” means manual, electric, single user and multi-user breast
17 pumps, breast pump flanges, nipple shields, and other lactation accessories recommended by a
18 qualified lactation care provider or other health professional, whether a rental or a purchase.

19 “Lactation care and services” means the clinical application of scientific principles and a
20 multidisciplinary body of evidence to provide evaluation, problem identification, treatment,
21 education and consultation, regarding breastfeeding and breast milk feeding to client-defined
22 families by a qualified lactation care provider. Lactation care and services may be delivered
23 during pregnancy, a hospital stay, and the postpartum period, and may be delivered in an office
24 setting, in a hospital, through home visits, through telephone support, or any combination of
25 these.

26 Lactation care and services include but are not limited to:

27 (1) Lactation assessment through the systematic collection of subjective and objective
28 data;

29 (2) Analysis of data;

30 (3) Development of a lactation care plan with demonstration and instruction to
31 parents and communication to the primary health care provider;

32 (4) Provision of lactation education to parents and health care providers; and

33 (5) The recommendation and use of assistive devices.

34 “Nationally recognized accrediting agency” shall mean the National Commission for
35 Certifying Agencies (“NCCA”), the Institute for Credentialing Excellence (“ICE”), and
36 American National Standards Institute (“ANSI”).

37 “Qualified lactation care provider” means a person who possesses current certification
38 from a certification program accredited by a Nationally Recognized Accrediting Agency.

39 (C) An insurer providing coverage under this paragraph and any participating entity
40 through which the insurer offers health services shall not:

41 (1) deny to a covered person eligibility, or continued eligibility, to enroll or to renew
42 coverage under the terms of the policy or vary the terms of the policy for the purpose or with the
43 effect of avoiding compliance with this paragraph;

44 (2) provide incentives (monetary or otherwise) to encourage a covered person to
45 accept less than the minimum protections available under this paragraph;

46 (3) penalize in any way or reduce or limit the compensation of a health care
47 practitioner for recommending or providing care to a covered person in accordance with this
48 paragraph;

49 (4) provide incentives (monetary or otherwise) to a health care practitioner relating to
50 the services provided pursuant to this paragraph intended to induce or have the effect of inducing
51 such practitioner to provide care to a covered person in a manner inconsistent with this
52 paragraph;

53 (5) restrict coverage for any portion of a period within a hospital length of stay
54 required under this paragraph in a manner which is inconsistent with the coverage provided for
55 any preceding portion of such stay;

56 (6) require prior authorization, prescription or referral for lactation care and services;
57 or

58 (7) impose a deductible, coinsurance, co-payment or any other cost-sharing
59 requirement for lactation care and services or breastfeeding equipment provided under this
60 paragraph.

61 SECTION 4. This act shall take effect on the first of January next succeeding the date on
62 which it shall have become a law.