

**SENATE . . . . . No. 434**

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The Commonwealth of Massachusetts

PRESENTED BY:

***Kenneth J. Donnelly***

*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 relative to improving services for students with individual education programs.

PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Kenneth J. Donnelly*

*Fourth Middlesex*

*Kenneth I. Gordon*

*21st Middlesex*

**SENATE . . . . . No. 434**

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By Mr. Donnelly, a petition (accompanied by bill, Senate, No. 434) of Kenneth J. Donnelly and Kenneth I. Gordon for legislation relative to improving services for students with individual education programs. Financial Services.

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Thirteen**  
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An Act relative to improving services for students with individual education programs.

*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, as appearing in the 2010 Official  
2 Edition, is hereby amended by inserting after section 26 the following section:-

3 Section 27. 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 speech therapy, occupational  
6 therapy, physical therapy, disease, illness, injury, or bodily dysfunction which are required by a  
7 student’s individual education program, individualized family service plan, individualized  
8 service plan or the federal Individuals with Disabilities Education Improvement Act.

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

11 Section 47BB. 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 speech therapy, occupational therapy, physical therapy, disease, illness,  
17 injury, or bodily dysfunction which are required by a student’s individual education program,  
18 individualized family service plan, individualized service plan or the federal Individuals with  
19 Disabilities Education Improvement Act.

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

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

29 SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after  
30 section 4DD the following section:-

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

38 SECTION 5. Chapter 176G of the General Laws is hereby amended by inserting after  
39 section 4V the following section:-

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

46 SECTION 6. All policies, contracts and certificates of health insurance subject to section  
47 26 of chapter 32A, section 47BB of chapter 175, section 8EE of chapter 176A, section 4EE of  
48 chapter 176B, and section 4W of chapter 176G of the General Laws which are delivered, issued  
49 or renewed on or after January 1, 2011 shall conform with the provisions of this act. Form filings  
50 implementing this act shall be subject to the approval of the commissioner of insurance.

51 SECTION 8. This act shall take effect on January 1, 2014.