

SENATE No. 510

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka (BY REQUEST)

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 a dental, prescription, and vision coverage opt-out clause .

PETITION OF:

NAME:

Carol J. Spack

DISTRICT/ADDRESS:

9 Craig Road
Framingham, MA 01701-7601

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO A DENTAL, PRESCRIPTION, AND VISION COVERAGE OPT-OUT CLAUSE .

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 111M of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended by adding to Section 1 at the end of that section the following
3 paragraphs:

4 “Minimum Creditable Coverage” may include an individual or group health plan as
5 described by Section 1 of Chapter 111M notwithstanding that any such health plan does not
6 include any of the following:

7 (i) dental coverage;

8 (ii) prescription coverage;

9 (iii) vision coverage;

10 provided that the individual covered by such plan elects in writing to opt out of the
11 coverages (i)-(iii) above or any one of them.

12 To opt out, the covered individual shall file a written opt out election with his health plan
13 provider stating which coverage has not been elected (i)-(iii). An opt out election shall be filed
14 annually by the covered person by January 15 for the current year to which the election applies
15 or during the open enrollment period for his plan. The covered individual shall retain a copy of
16 the opt out election filed with his health plan provider.

17 This opt out election satisfies the requirement for demonstrating creditable coverage
18 under paragraph 1(a). This opt out election also qualifies a taxpayer under paragraph 2(b) to
19 indicate to the Commissioner of Revenue that such person, as of the last day of the taxable year
20 for which the return is filed has creditable coverage in force as required by paragraph (a).