SENATE DOCKET, NO. 945 FILED ON: 1/17/2013

SENATE . . . . . No. 434

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:

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*

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SENATE . . . . . No. 434

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.

The Commonwealth of Massachusetts

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:

SECTION 1. Chapter 32A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after section 26 the following section:-

Section 27. The commission shall provide to an active or retired employee of the commonwealth who is insured under the group insurance commission benefits on a nondiscriminatory basis for the medically necessary treatment for speech therapy, occupational therapy, physical therapy, disease, illness, injury, or bodily dysfunction which are required by a student's individual education program, individualized family service plan, individualized service plan or the federal Individuals with Disabilities Education Improvement Act.

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

Section 47BB. An individual policy of accident and sickness insurance issued under section 108 that provides hospital expense and surgical expense insurance and any group blanket or general policy of accident and sickness insurance issued under section 110 that provides hospital expense and surgical expense insurance, which is issued or renewed within or without the commonwealth, shall provide benefits on a nondiscriminatory basis for the medically necessary treatment for speech therapy, occupational therapy, physical therapy, disease, illness, injury, or bodily dysfunction which are required by a student's individual education program, individualized family service plan, individualized service plan or the federal Individuals with Disabilities Education Improvement Act.

SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after 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.