SENATE DOCKET, NO. 1373 FILED ON: 1/18/2013

SENATE . . . . . No. 469

The Commonwealth of Massachusetts

PRESENTED BY:

Richard T. Moore

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 promoting patient access and affordability in treating eye and vision conditions.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Richard T. Moore	*Worcester and Norfolk*

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SENATE . . . . . No. 469

By Mr. Richard T. Moore, a petition (accompanied by bill, Senate, No. 469) of Richard T. Moore for legislation to promote patient access and affordability in treating eye and vision. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
SENATE
, NO. *446* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act relative to promoting patient access and affordability in treating eye and vision conditions.

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 175 of the General Laws, as appearing in the 2010 Official Edition, shall be amended, after section 108G, by inserting the following new section:-

Section 108H. (1) No person shall interfere with the exercise of another person's selection to seek treatment from a health care provider licensed under chapter 112.

(2) If any accident or health insurance plan, contract or agreement offers health care benefits which provide ophthalmologic care for any person, partnership, corporation, association or group, however organized, such accident or health insurance plan, contract or agreement shall provide optometric care. If the ophthalmologic care provided may be lawfully rendered by an optometrist, such plan, contract or agreement shall provide the identical eye care coverage and benefits for its members when such care is rendered by an optometrist under such accident or health insurance plan, contract or agreement. Such accident or health insurance plan, contract or agreement shall provide for (i) contracting with ophthalmologists and optometrists in a manner which will provide an equal proportion of duly licensed provider types in relation to the benefits provided by such accident or health insurance plan, contract or agreement, and (ii) equally inform its members of the availability of ophthalmologic and optometric services.

16 (3) The commissioner shall adopt regulations to carry out the provisions of subsection (b)
17 of this section as necessary.

18 SECTION 2. Chapter 176A of the General Laws, as appearing in the 2010 Official
19 Edition, shall be amended, after S Section 32, by inserting the following new section:-

20 Section 33. (1) No person shall interfere with the exercise of another person's selection
21 to seek treatment from a health care provider licensed under chapter 112.

22 (2) If any accident or health insurance plan, contract or agreement offers health care
23 benefits which provide ophthalmologic care for any person, partnership, corporation, association
24 or group, however organized, such accident or health insurance plan, contract or agreement shall
25 provide optometric care. If the ophthalmologic care provided may be lawfully rendered by an
26 optometrist, such plan, contract or agreement shall provide the identical eye care coverage and
27 benefits for its members when such care is rendered by an optometrist under such accident or
28 health insurance plan, contract or agreement. Such accident or health insurance plan, contract or
29 agreement shall provide for (i) contracting with ophthalmologists and optometrists in a manner
30 which will provide an equal proportion of duly licensed provider types in relation to the benefits
31 provided by such accident or health insurance plan, contract or agreement, and (ii) equally
32 inform its members of the availability of ophthalmologic and optometric services.

33 (3) The commissioner shall adopt regulations to carry out the provisions of subsection (b)
34 of this section as necessary.

35 SECTION 3. Chapter 176B of the General Laws, as appearing in the 2010 Official
36 Edition, shall be amended, after section 4R, by inserting the following new section:-

37 Section 4S. (1) No person shall interfere with the exercise of another person's selection
38 to seek treatment from health care provider licensed under chapter 112.

39 (2) If any accident or health insurance plan, contract or agreement offers health care
40 benefits which provide ophthalmologic care for any person, partnership, corporation, association
41 or group, however organized, such accident or health insurance plan, contract or agreement shall
42 provide optometric care. If the ophthalmologic care provided may be lawfully rendered by an
43 optometrist, such plan, contract or agreement shall provide the identical eye care coverage and
44 benefits for its members when such care is rendered by an optometrist under such accident or
45 health insurance plan, contract or agreement. Such accident or health insurance plan, contract or
46 agreement shall provide for (i) contracting with ophthalmologists and optometrists in a manner
47 which will provide an equal proportion of duly licensed provider types in relation to the benefits
48 provided by such accident or health insurance plan, contract or agreement, and (ii) equally
49 inform its members of the availability of ophthalmologic and optometric services.

50 (3) The commissioner shall adopt regulations to carry out the provisions of subsection (b)
51 of this section as necessary.

52 SECTION 4. Chapter 176C of the General Laws, as appearing in the 2010 Official
53 Edition, shall be amended, after section 4Q, by inserting the following new section:-

54 "Section 4R. (1) No person shall interfere with the exercise of another person's selection
55 to seek treatment from health care provider licensed under chapter 112.

56 (2) If any accident or health insurance plan, contract or agreement offers health care
57 benefits which provide ophthalmologic care for any person, partnership, corporation, association
58 or group, however organized, such accident or health insurance plan, contract or agreement shall
59 provide optometric care. If the ophthalmologic care provided may be lawfully rendered by an
60 optometrist, such plan, contract or agreement shall provide the identical eye care coverage and
61 benefits for its members when such care is rendered by an optometrist under such accident or
62 health insurance plan, contract or agreement. Such accident or health insurance plan, contract or
63 agreement shall provide for (i) contracting with ophthalmologists and optometrists in a manner
64 which will provide an equal proportion of duly licensed provider types in relation to the benefits
65 provided by such accident or health insurance plan, contract or agreement, and (ii) equally
66 inform its members of the availability of ophthalmologic and optometric services.

67 (3) The commissioner shall adopt regulations to carry out the provisions of subsection (b)
68 of this section as necessary.

69 SECTION 5. Chapter 176G of the General Laws, as appearing in the 2010 Official
70 Edition, shall be amended, after section 4J, by inserting the following new section:-

71 "Section 4K. (1) No person shall interfere with the exercise of another person's selection
72 to seek treatment from health care provider licensed under chapter 112.

73 (2) If any accident or health insurance plan, contract or agreement offers health care
74 benefits which provide ophthalmologic care for any person, partnership, corporation, association
75 or group, however organized, such accident or health insurance plan, contract or agreement shall
76 provide optometric care. If the ophthalmologic care provided may be lawfully rendered by an
77 optometrist, such plan, contract or agreement shall provide the identical eye care coverage and
78 benefits for its members when such care is rendered by an optometrist under such accident or
79 health insurance plan, contract or agreement. Such accident or health insurance plan, contract or
80 agreement shall provide for (i) contracting with ophthalmologists and optometrists in a manner
81 which will provide an equal proportion of duly licensed provider types in relation to the benefits
82 provided by such accident or health insurance plan, contract or agreement, and (ii) equally
83 inform its members of the availability of ophthalmologic and optometric services.

84 (3) The commissioner shall adopt regulations to carry out the provisions of subsection (b)
85 of this section as necessary.