

The Commonwealth of Massachusetts

PRESENTED BY:

John W. Scibak and Tom Sannicandro

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 relative to women's health and economic equity.

PETITION OF:

Name:	DISTRICT/ADDRESS:
John W. Scibak	2nd Hampshire
Tom Sannicandro	7th Middlesex
Harriette L. Chandler	First Worcester
David Paul Linsky	5th Middlesex
Jason M. Lewis	Fifth Middlesex
Jennifer E. Benson	37th Middlesex
Ann-Margaret Ferrante	5th Essex
Denise Provost	27th Middlesex
Kenneth I. Gordon	21st Middlesex
Paul R. Heroux	2nd Bristol
Michelle M. DuBois	10th Plymouth
Stephen Kulik	1st Franklin
Lori A. Ehrlich	8th Essex
Cory Atkins	14th Middlesex
Peter V. Kocot	1st Hampshire
Michael O. Moore	Second Worcester
Jay D. Livingstone	8th Suffolk
Paul W. Mark	2nd Berkshire

Marjorie C. Decker	25th Middlesex
Paul McMurtry	11th Norfolk
Ruth B. Balser	12th Middlesex
Kay Khan	11th Middlesex
Aaron Vega	5th Hampden
John J. Lawn, Jr.	10th Middlesex
Jay R. Kaufman	15th Middlesex
Danielle W. Gregoire	4th Middlesex
James J. O'Day	14th Worcester
James B. Eldridge	Middlesex and Worcester
Paul Brodeur	32nd Middlesex
Brendan P. Crighton	11th Essex
Mary S. Keefe	15th Worcester
Sean Garballey	23rd Middlesex
Daniel J. Ryan	2nd Suffolk
Sarah K. Peake	4th Barnstable
Gailanne M. Cariddi	1st Berkshire
Christine P. Barber	34th Middlesex
Joseph W. McGonagle, Jr.	28th Middlesex
Frank I. Smizik	15th Norfolk
Thomas M. Stanley	9th Middlesex
Jonathan Hecht	29th Middlesex
Kate Hogan	3rd Middlesex
Steven Ultrino	33rd Middlesex
Carmine L. Gentile	13th Middlesex
Jose F. Tosado	9th Hampden
Harold P. Naughton, Jr.	12th Worcester
John J. Mahoney	13th Worcester
Chris Walsh	6th Middlesex
Alice Hanlon Peisch	14th Norfolk
David M. Rogers	24th Middlesex
Kevin G. Honan	17th Suffolk
Ellen Story	3rd Hampshire
Carole A. Fiola	6th Bristol
Michael S. Day	31st Middlesex
Elizabeth A. Malia	11th Suffolk

HOUSE DOCKET, NO. 1046 FILED ON: 1/14/2015

By Messrs. Scibak of South Hadley and Sannicandro of Ashland, a petition (accompanied by bill, House, No. 948) of John W. Scibak and others for legislation to update the contraceptive coverage equity law to require insurance carriers to provide all contraceptive methods without a co-pay. Financial Services.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court (2015-2016)

An Act relative to women's health and economic equity.

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 2012 Official

2 Edition, is hereby amended by striking out section 47W and inserting in place thereof the

3 following section:-

4 (a) For purposes of this section, the following words shall have the following meanings,

5 unless the context clearly requires otherwise:

6 "PPACA", the federal Patient Protection and Affordable Care Act, Public Law 111-148,

7 as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law

8 111-152.

9 "Provider", any institution, agency, individual, or other legal entity qualified under the 10 laws of the commonwealth to perform the medical care or services for which medical assistance and medical benefits are available under chapters 176G to 176Q, inclusive, with respect to health
care service plan contracts issued, amended, or renewed on or after January 1, 2016.

13 (b) An individual policy of accident and sickness insurance issued pursuant to section 108 and a group blanket policy of accident and sickness insurance issued pursuant to section 110 14 that is delivered, issued or renewed within or without the commonwealth and that provides 15 benefits for outpatient services shall provide hormone replacement therapy services for peri and 16 17 post menopausal women and outpatient contraceptive services under the same terms and conditions as for such other outpatient services. Outpatient contraceptive services shall mean 18 consultations, examinations, procedures and medical services provided on an outpatient basis 19 20and related to the use of all contraceptive methods to prevent pregnancy that have been approved 21 by the United States Food and Drug Administration.

22 (c) An individual policy of accident and sickness insurance issued pursuant to section 108 and any group blanket policy of accident and sickness insurance issued pursuant to section 110 23 24 that is delivered, issued or renewed within or without the commonwealth and that provides 25 benefits for outpatient prescription drugs and devices shall provide benefits for hormone replacement therapy for peri-menopausal and post-menopausal women and for outpatient 26 prescription contraceptive drugs or devices which have been approved by the United States Food 27 and Drug Administration under the same terms and conditions as for such other prescription 28 29 drugs or devices, provided that in covering all FDA approved prescription contraceptive methods, nothing in this section precludes the use of closed or restricted formulary. 30

31 (d) A health care service plan contract, except for a specialized health care service plan
32 contract, that is issued, amended, renewed or delivered on or after January 1, 2016, shall provide
33 coverage for:

(1) all FDA-approved contraceptive drugs, devices and other products. This includes all
FDA-approved contraceptive drugs, devices, and products available Over-the-Counter, as
prescribed by the enrollee's provider or otherwise authorized under state or federal law:

(i) if the FDA has approved 1 or more therapeutic equivalents of a contraceptive drug,
device or product, a healthcare service plan shall include at least 1 therapeutically equivalent
version in its formulary; and

40 (ii) if the covered therapeutically equivalent versions of a drug, device, or product are not
41 available or are deemed medically inadvisable by the enrollee's provider, a health care service
42 plan shall provide coverage for an alternate prescribed therapeutically equivalent version of the
43 contraceptive drug, device or product;

- 44 (2) voluntary sterilization procedures;
- 45 (3) patient education and counseling on contraception;

46 (4) follow-up services related to the drugs, devices, products and procedures covered
47 under this subsection, including, but not limited to, management of side effects, counseling for
48 continued adherence and device insertion and removal.

(e) (1) A health care service plan subject to this section shall not impose a deductible,
coinsurance, copayment or any other cost-sharing requirement on the coverage provided
pursuant to this subsection. Cost sharing shall not be imposed on any Medicaid beneficiary.

52 (2) Except as otherwise authorized under this section, a health care service plan shall not
53 impose any restrictions or delays on the coverage required under this section.

(3) Benefits for an enrollee under this subsection shall be the same for an enrollee's
covered spouse and covered dependents.

56 (4) For purposes of this section "health care service plan" shall include Medicaid
57 managed care plans that contract with MassHealth under chapter 118E.

(f) (1) This section shall not apply to an individual policy of accident and sickness
insurance delivered, issued or renewed pursuant to section 108 or any group blanket policy of
accident and sickness insurance delivered, issued or renewed pursuant to section 110 if that
policy is purchased by an employer that is a church or qualified church-controlled organization,
as those terms are defined in 26 U.S.C. section 3121(w)(3)(A) and (B).

63 (2)A religious employer that invokes the exemption provided under this subsection shall
64 provide written notice to prospective enrollees prior to enrollment with the plan, listing the
65 contraceptive health care services the employer refuses to cover for religious reasons.

(g) Nothing in this section shall be construed to exclude coverage for contraceptive
supplies as prescribed by a provider, acting within the employer's scope of practice, for reasons
other than contraceptive purposes, such as decreasing the risk of ovarian cancer or eliminating
symptoms of menopause or for contraception that is necessary to preserve the life or health of an
individual.

(h) Nothing in this section shall be construed to deny or restrict in any way the
department's authority to ensure plan compliance with this chapter if a plan provides coverage
for contraceptive drugs, devices and products.

(i) Nothing in this section shall be construed to require an individual or group health care
service plan contract to cover experimental or investigational treatments.

SECTION 2. Chapter 176A of the General Laws, as so appearing, is hereby amended by
 striking out section 8W and inserting in place thereof the following section:-

(a) For purposes of this section, the following words shall have the following meanings,
unless the context clearly requires otherwise:

80 "PPACA", the federal Patient Protection and Affordable Care Act, Public Law 111-148,
81 as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law
82 111-152.

83 "Provider", any institution, agency, individual, or other legal entity qualified under the 84 laws of the commonwealth to perform the medical care or services for which medical assistance 85 and medical benefits are available under chapters 176G to 176Q, inclusive, with respect to health 86 care service plan contracts issued, amended, or renewed on or after January 1, 2016.

(b) An individual policy of accident and sickness insurance issued pursuant to section
108 and a group blanket policy of accident and sickness insurance issued pursuant to section 110
that is delivered, issued or renewed within or without the commonwealth and that provides
benefits for outpatient services shall provide hormone replacement therapy services for peri and
post menopausal women and outpatient contraceptive services under the same terms and

92 conditions as for such other outpatient services. Outpatient contraceptive services shall mean
93 consultations, examinations, procedures and medical services provided on an outpatient basis
94 and related to the use of all contraceptive methods to prevent pregnancy that have been approved
95 by the United States Food and Drug Administration.

96 (c) An individual policy of accident and sickness insurance issued pursuant to section 108 and any group blanket policy of accident and sickness insurance issued pursuant to section 110 97 98 that is delivered, issued or renewed within or without the commonwealth and that provides 99 benefits for outpatient prescription drugs and devices shall provide benefits for hormone 100 replacement therapy for peri-menopausal and post-menopausal women and for outpatient prescription contraceptive drugs or devices which have been approved by the United States Food 101 102 and Drug Administration under the same terms and conditions as for such other prescription 103 drugs or devices, provided that in covering all FDA approved prescription contraceptive 104 methods, nothing in this section precludes the use of closed or restricted formulary.

(d) A health care service plan contract, except for a specialized health care service plan
contract, that is issued, amended, renewed or delivered on or after January 1, 2016, shall provide
coverage for:

(1) all FDA-approved contraceptive drugs, devices and other products. This includes all
FDA-approved contraceptive drugs, devices, and products available Over-the-Counter, as
prescribed by the enrollee's provider or otherwise authorized under state or federal law:

(i) if the FDA has approved 1 or more therapeutic equivalents of a contraceptive drug,
device or product, a healthcare service plan shall include at least 1 therapeutically equivalent
version in its formulary; and

(ii) if the covered therapeutically equivalent versions of a drug, device, or product are not available or are deemed medically inadvisable by the enrollee's provider, a health care service plan shall provide coverage for an alternate prescribed therapeutically equivalent version of the contraceptive drug, device or product;

118 (2) voluntary sterilization procedures;

(3) patient education and counseling on contraception;

(4) follow-up services related to the drugs, devices, products and procedures covered
under this subsection, including, but not limited to, management of side effects, counseling for
continued adherence and device insertion and removal.

(e) (1) A health care service plan subject to this section shall not impose a deductible,
coinsurance, copayment or any other cost-sharing requirement on the coverage provided

125 pursuant to this subsection. Cost sharing shall not be imposed on any Medicaid beneficiary.

(2) Except as otherwise authorized under this section, a health care service plan shall notimpose any restrictions or delays on the coverage required under this section.

(3) Benefits for an enrollee under this subsection shall be the same for an enrollee'scovered spouse and covered dependents.

(4) For purposes of this section "health care service plan" shall include Medicaidmanaged care plans that contract with MassHealth under chapter 118E.

(f) (1) This section shall not apply to an individual policy of accident and sickness
insurance delivered, issued or renewed pursuant to section 108 or any group blanket policy of
accident and sickness insurance delivered, issued or renewed pursuant to section 110 if that

policy is purchased by an employer that is a church or qualified church-controlled organization,as those terms are defined in 26 U.S.C. section 3121(w)(3)(A) and (B).

(2) A religious employer that invokes the exemption provided under this subsection shall
provide written notice to prospective enrollees prior to enrollment with the plan, listing the
contraceptive health care services the employer refuses to cover for religious reasons.

(g) Nothing in this section shall be construed to exclude coverage for contraceptive
supplies as prescribed by a provider, acting within the employer's scope of practice, for reasons
other than contraceptive purposes, such as decreasing the risk of ovarian cancer or eliminating
symptoms of menopause or for contraception that is necessary to preserve the life or health of an
individual.

(h) Nothing in this section shall be construed to deny or restrict in any way the
department's authority to ensure plan compliance with this chapter if a plan provides coverage
for contraceptive drugs, devices and products.

- (i) Nothing in this section shall be construed to require an individual or group health careservice plan contract to cover experimental or investigational treatments.
- 150 SECTION 3. Chapter 176B of the General Laws, as so appearing, is hereby amended by151 striking out section 4W and inserting in place thereof the following section:-
- (a) For purposes of this section, the following words shall have the following meanings,unless the context clearly requires otherwise:

"PPACA", the federal Patient Protection and Affordable Care Act, Public Law 111-148,
as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law
111-152.

157 "Provider", any institution, agency, individual, or other legal entity qualified under the 158 laws of the commonwealth to perform the medical care or services for which medical assistance 159 and medical benefits are available under chapters 176G to 176Q, inclusive, with respect to health 160 care service plan contracts issued, amended, or renewed on or after January 1, 2016.

161 (b) An individual policy of accident and sickness insurance issued pursuant to section 162 108 and a group blanket policy of accident and sickness insurance issued pursuant to section 110 that is delivered, issued or renewed within or without the commonwealth and that provides 163 164 benefits for outpatient services shall provide hormone replacement therapy services for peri and 165 post menopausal women and outpatient contraceptive services under the same terms and conditions as for such other outpatient services. Outpatient contraceptive services shall mean 166 consultations, examinations, procedures and medical services provided on an outpatient basis 167 168 and related to the use of all contraceptive methods to prevent pregnancy that have been approved by the United States Food and Drug Administration. 169

(c) An individual policy of accident and sickness insurance issued pursuant to section 108
and any group blanket policy of accident and sickness insurance issued pursuant to section 110
that is delivered, issued or renewed within or without the commonwealth and that provides
benefits for outpatient prescription drugs and devices shall provide benefits for hormone
replacement therapy for peri-menopausal and post-menopausal women and for outpatient
prescription contraceptive drugs or devices which have been approved by the United States Food

and Drug Administration under the same terms and conditions as for such other prescription
drugs or devices, provided that in covering all FDA approved prescription contraceptive
methods, nothing in this section precludes the use of closed or restricted formulary.

(d) A health care service plan contract, except for a specialized health care service plan
contract, that is issued, amended, renewed or delivered on or after January 1, 2016, shall provide
coverage for:

(1) all FDA-approved contraceptive drugs, devices and other products. This includes all
FDA-approved contraceptive drugs, devices, and products available Over-the-Counter, as
prescribed by the enrollee's provider or otherwise authorized under state or federal law:

(i) if the FDA has approved 1 or more therapeutic equivalents of a contraceptive drug,
device or product, a healthcare service plan shall include at least 1 therapeutically equivalent
version in its formulary; and

(ii) if the covered therapeutically equivalent versions of a drug, device, or product are not
available or are deemed medically inadvisable by the enrollee's provider, a health care service
plan shall provide coverage for an alternate prescribed therapeutically equivalent version of the
contraceptive drug, device or product;

192 (2) voluntary sterilization procedures;

193 (3) patient education and counseling on contraception;

(4) follow-up services related to the drugs, devices, products and procedures covered
under this subsection, including, but not limited to, management of side effects, counseling for
continued adherence and device insertion and removal.

(e) (1) A health care service plan subject to this section shall not impose a deductible,
coinsurance, copayment or any other cost-sharing requirement on the coverage provided
pursuant to this subsection. Cost sharing shall not be imposed on any Medicaid beneficiary.

200 (2) Except as otherwise authorized under this section, a health care service plan shall not201 impose any restrictions or delays on the coverage required under this section.

202 (3) Benefits for an enrollee under this subsection shall be the same for an enrollee's203 covered spouse and covered dependents.

(4) For purposes of this section "health care service plan" shall include Medicaidmanaged care plans that contract with MassHealth under chapter 118E.

(f) (1)This section shall not apply to an individual policy of accident and sickness
insurance delivered, issued or renewed pursuant to section 108 or any group blanket policy of
accident and sickness insurance delivered, issued or renewed pursuant to section 110 if that
policy is purchased by an employer that is a church or qualified church-controlled organization,
as those terms are defined in 26 U.S.C. section 3121(w)(3)(A) and (B).

(2) A religious employer that invokes the exemption provided under this subsection shall
provide written notice to prospective enrollees prior to enrollment with the plan, listing the
contraceptive health care services the employer refuses to cover for religious reasons.

(g) Nothing in this section shall be construed to exclude coverage for contraceptive supplies as prescribed by a provider, acting within the employer's scope of practice, for reasons other than contraceptive purposes, such as decreasing the risk of ovarian cancer or eliminating symptoms of menopause or for contraception that is necessary to preserve the life or health of anindividual.

(h) Nothing in this section shall be construed to deny or restrict in any way the
department's authority to ensure plan compliance with this chapter if a plan provides coverage
for contraceptive drugs, devices and products.

(i) Nothing in this section shall be construed to require an individual or group health careservice plan contract to cover experimental or investigational treatments.

224 SECTION 4. Chapter 176G of the General Laws, as so appearin, is hereby amended by 225 striking out section 4O and inserting in place thereof the following section:-

(a) For purposes of this section, the following words shall have the following meanings,unless the context clearly requires otherwise:

"PPACA", the federal Patient Protection and Affordable Care Act, Public Law 111-148,
as amended by the federal Health Care and Education Reconciliation Act of 2010, Public Law
111-152.

"Provider", any institution, agency, individual, or other legal entity qualified under the
laws of the commonwealth to perform the medical care or services for which medical assistance
and medical benefits are available under chapters 176G to 176Q, inclusive, with respect to health
care service plan contracts issued, amended, or renewed on or after January 1, 2016.

(b) An individual policy of accident and sickness insurance issued pursuant to section
108 and a group blanket policy of accident and sickness insurance issued pursuant to section 110
that is delivered, issued or renewed within or without the commonwealth and that provides

benefits for outpatient services shall provide hormone replacement therapy services for peri and
post menopausal women and outpatient contraceptive services under the same terms and
conditions as for such other outpatient services. Outpatient contraceptive services shall mean
consultations, examinations, procedures and medical services provided on an outpatient basis
and related to the use of all contraceptive methods to prevent pregnancy that have been approved
by the United States Food and Drug Administration.

244 (c) An individual policy of accident and sickness insurance issued pursuant to section 108 245 and any group blanket policy of accident and sickness insurance issued pursuant to section 110 that is delivered, issued or renewed within or without the commonwealth and that provides 246 247 benefits for outpatient prescription drugs and devices shall provide benefits for hormone 248 replacement therapy for peri-menopausal and post-menopausal women and for outpatient 249 prescription contraceptive drugs or devices which have been approved by the United States Food 250and Drug Administration under the same terms and conditions as for such other prescription drugs or devices, provided that in covering all FDA approved prescription contraceptive 251 methods, nothing in this section precludes the use of closed or restricted formulary. 252

(d) A health care service plan contract, except for a specialized health care service plan
contract, that is issued, amended, renewed or delivered on or after January 1, 2016, shall provide
coverage for:

(1) all FDA-approved contraceptive drugs, devices and other products. This includes all
 FDA-approved contraceptive drugs, devices, and products available Over-the-Counter, as
 prescribed by the enrollee's provider or otherwise authorized under state or federal law:

(i) if the FDA has approved 1 or more therapeutic equivalents of a contraceptive drug,
device or product, a healthcare service plan shall include at least 1 therapeutically equivalent
version in its formulary; and

(ii) if the covered therapeutically equivalent versions of a drug, device, or product are not
available or are deemed medically inadvisable by the enrollee's provider, a health care service
plan shall provide coverage for an alternate prescribed therapeutically equivalent version of the
contraceptive drug, device or product;

266 (2) voluntary sterilization procedures;

267 (3) patient education and counseling on contraception;

(4) follow-up services related to the drugs, devices, products and procedures covered
under this subsection, including, but not limited to, management of side effects, counseling for
continued adherence and device insertion and removal.

(e) (1) A health care service plan subject to this section shall not impose a deductible,
coinsurance, copayment or any other cost-sharing requirement on the coverage provided

273 pursuant to this subsection. Cost sharing shall not be imposed on any Medicaid beneficiary.

(2) Except as otherwise authorized under this section, a health care service plan shall not
impose any restrictions or delays on the coverage required under this section.

(3) Benefits for an enrollee under this subsection shall be the same for an enrollee'scovered spouse and covered dependents.

(4) For purposes of this section "health care service plan" shall include Medicaidmanaged care plans that contract with MassHealth under chapter 118E.

(f) (1) This section shall not apply to an individual policy of accident and sickness
insurance delivered, issued or renewed pursuant to section 108 or any group blanket policy of
accident and sickness insurance delivered, issued or renewed pursuant to section 110 if that
policy is purchased by an employer that is a church or qualified church-controlled organization,
as those terms are defined in 26 U.S.C. section 3121(w)(3)(A) and (B).

(2) A religious employer that invokes the exemption provided under this subsection shall
provide written notice to prospective enrollees prior to enrollment with the plan, listing the
contraceptive health care services the employer refuses to cover for religious reasons.

(g) Nothing in this section shall be construed to exclude coverage for contraceptive
supplies as prescribed by a provider, acting within the employer's scope of practice, for reasons
other than contraceptive purposes, such as decreasing the risk of ovarian cancer or eliminating
symptoms of menopause or for contraception that is necessary to preserve the life or health of an
individual.

(h) Nothing in this section shall be construed to deny or restrict in any way the
department's authority to ensure plan compliance with this chapter if a plan provides coverage
for contraceptive drugs, devices and products.

(i) Nothing in this section shall be construed to require an individual or group health careservice plan contract to cover experimental or investigational treatments.