

**HOUSE . . . . . No. 981**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Sean Garballey***

*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 dental anesthesia.

PETITION OF:

NAME:

*Sean Garballey*

DISTRICT/ADDRESS:

*23rd Middlesex*

**HOUSE . . . . . No. 981**

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By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 981) of Sean Garballey relative to insurance coverage for hospital or ambulatory center charges for certain dental procedures requiring general anesthesia. Financial Services.

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act relative to dental anesthesia.

*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 is hereby amended by inserting after  
2 section 17O, as inserted by chapter 233 of the acts 2016, the following section:-

3 Section 17P. Any coverage offered by the commission to an active or retired employee of  
4 the commonwealth insured under the group insurance commission shall provide coverage for the  
5 hospital or ambulatory center charges and administration of general anesthesia administered by a  
6 licensed anesthesiologist or certified registered nurse anesthetist for dental procedures performed  
7 on a covered person who is: (i) a child seven years of age or younger who is determined by a  
8 licensed dentist to be unable to receive needed dental treatment in an outpatient setting, and the  
9 provider treating the patient certifies that due to the patientting, st hesia administered by a  
10 licensed anesthesiologist or certified registered nurse anesthetist for dentacenter is required in  
11 order to perform significantly complex dental procedures safely and effectively; (ii) a child 12  
12 years of age or younger with documented phobias or a documented mental illness, as determined

13 by a physician or by a licensed mental health professional, whose dental needs are sufficiently  
14 complex and urgent that delaying or deferring treatment may result in infection or loss of teeth;  
15 for whom a successful result cannot be expected from dental care provider under local  
16 anesthesia; and for whom a superior result can be expected from dental care provided under  
17 general anesthesia; or (iii) a person who has exceptional medical circumstances or a development  
18 disability, as determined by a licensed physician which places the person at serious risk.

19 The coverage required by this section may be subject to prior authorization for general  
20 anesthesia and associated hospital or ambulatory surgical center charges for dental care in the  
21 same manner that prior authorization is required for these benefits in connection with other  
22 covered medical care.

23 The coverage required by this section may be restricted to dental care that is provided  
24 by: (i) fully accredited specialist in pediatric dentistry; (ii) a fully accredited specialist in oral and  
25 maxillofacial surgery; and (iii) a dentist to whom hospital privileges have been granted.

26 Nothing in this section shall require coverage for the dental procedures or other dental  
27 care for which general anesthesia is provided; and provided, that coverage shall be subject to  
28 annual deductible, co-payment, or co-insurance requirements, and any other general exclusions  
29 of a health insurance policy to the same extent as other medical services covered by the policy.

30 SECTION 2. Chapter 118E of the General Laws is hereby amended by inserting after  
31 section 10J, as inserted by chapter 233 of the acts 2016, the following section:-

32 Section 10K. The division shall provide coverage for the hospital or ambulatory center  
33 charges and administration of general anesthesia administered by a licensed anesthesiologist or  
34 certified registered nurse anesthetist for dental procedures performed on a covered person who

35 is: (i) a child seven years of age or younger who is determined by a licensed dentist to be unable  
36 to receive needed dental treatment in an outpatient setting, and the provider treating the patient  
37 certifies that due to the patient's age and the patient's condition, hospitalization or general  
38 anesthesia in a hospital or ambulatory surgical center is required in order to perform significantly  
39 complex dental procedures safely and effectively; (ii) a child 12 years of age or younger with  
40 documented phobias or a documented mental illness, as determined by a physician or by a  
41 licensed mental health professional, whose dental needs are sufficiently complex and urgent that  
42 delaying or deferring treatment may result in infection or loss of teeth; for whom a successful  
43 result cannot be expected from dental care provider under local anesthesia; and for whom a  
44 superior result can be expected from dental care provided under general anesthesia; or (iii) a  
45 person who has exceptional medical circumstances or a development disability, as determined by  
46 a licensed physician which places the person at serious risk.

47         The coverage required by this section may be subject to prior authorization for general  
48 anesthesia and associated hospital or ambulatory surgical center charges for dental care in the  
49 same manner that prior authorization is required for these benefits in connection with other  
50 covered medical care.

51         The coverage required by this section may be restricted to dental care that is provided by:  
52 (i) fully accredited specialist in pediatric dentistry; (ii) a fully accredited specialist in oral and  
53 maxillofacial surgery; and (iii) a dentist to whom hospital privileges have been granted.

54         Nothing in this section shall require coverage for the dental procedures or other dental  
55 care for which general anesthesia is provided; and provided, that coverage shall be subject to

56 annual deductible, co-payment, or co-insurance requirements, and any other general exclusions  
57 of a health insurance policy to the same extent as other medical services covered by the policy.

58 SECTION 3. Chapter 175 of the General Laws is hereby amended by inserting after  
59 section 47II, as inserted by chapter 233 of the acts 2016, the following section:-

60 Section 47JJ. A policy, contract, agreement, plan or certificate of insurance issued,  
61 delivered or renewed within the commonwealth that provides medical expense coverage shall  
62 provide coverage for the hospital or ambulatory center charges and administration of general  
63 anesthesia administered by a licensed anesthesiologist or certified registered nurse anesthetist for  
64 dental procedures performed on a covered person who is: (i) a child seven years of age or  
65 younger who is determined by a licensed dentist to be unable to receive needed dental treatment  
66 in an outpatient setting, and the provider treating the patient certifies that due to the patient's age  
67 and the patient's condition, hospitalization or general anesthesia in a hospital or ambulatory  
68 surgical center is required in order to perform significantly complex dental procedures safely and  
69 effectively; (ii) a child 12 years of age or younger with documented phobias or a documented  
70 mental illness, as determined by a physician or by a licensed mental health professional, whose  
71 dental needs are sufficiently complex and urgent that delaying or deferring treatment may result  
72 in infection or loss of teeth; for whom a successful result cannot be expected from dental care  
73 provider under local anesthesia; and for whom a superior result can be expected from dental care  
74 provided under general anesthesia; or (iii) a person who has exceptional medical circumstances  
75 or a development disability, as determined by a licensed physician which places the person at  
76 serious risk.

77           The coverage required by this section may be subject to prior authorization for general  
78 anesthesia and associated hospital or ambulatory surgical center charges for dental care in the  
79 same manner that prior authorization is required for these benefits in connection with other  
80 covered medical care.

81           The coverage required by this section may be restricted to dental care that is provided by:  
82 (i) fully accredited specialist in pediatric dentistry; (ii) a fully accredited specialist in oral and  
83 maxillofacial surgery; and (iii) a dentist to whom hospital privileges have been granted.

84           Nothing in this section shall require coverage for the dental procedures or other dental  
85 care for which general anesthesia is provided; and provided, that coverage shall be subject to  
86 annual deductible, co-payment, or co-insurance requirements, and any other general exclusions  
87 of a health insurance policy to the same extent as other medical services covered by the policy.

88           SECTION 4. Chapter 176A of the General Laws is hereby amended by inserting after  
89 section 8KK, as inserted by chapter 233 of the acts 2016, the following section:-

90           Section 8LL. A contract between a subscriber and the corporation under an individual or  
91 group hospital service plan that is delivered, issued or renewed within the commonwealth shall  
92 provide coverage for the hospital or ambulatory center charges and administration of general  
93 anesthesia administered by a licensed anesthesiologist or certified registered nurse anesthetist for  
94 dental procedures performed on a covered person who is: (i) a child seven years of age or  
95 younger who is determined by a licensed dentist to be unable to receive needed dental treatment  
96 in an outpatient setting, and the provider treating the patient certifies that due to the patient's age  
97 and the patient's condition, hospitalization or general anesthesia in a hospital or ambulatory  
98 surgical center is required in order to perform significantly complex dental procedures safely and

99 effectively; (ii) a child 12 years of age or younger with documented phobias or a documented  
100 mental illness, as determined by a physician or by a licensed mental health professional, whose  
101 dental needs are sufficiently complex and urgent that delaying or deferring treatment may result  
102 in infection or loss of teeth; for whom a successful result cannot be expected from dental care  
103 provider under local anesthesia; and for whom a superior result can be expected from dental care  
104 provided under general anesthesia; or (iii) a person who has exceptional medical circumstances  
105 or a development disability, as determined by a licensed physician which places the person at  
106 serious risk.

107           The coverage required by this section may be subject to prior authorization for general  
108 anesthesia and associated hospital or ambulatory surgical center charges for dental care in the  
109 same manner that prior authorization is required for these benefits in connection with other  
110 covered medical care.

111           The coverage required by this section may be restricted to dental care that is provided by:  
112 (i) fully accredited specialist in pediatric dentistry; (ii) a fully accredited specialist in oral and  
113 maxillofacial surgery; and (iii) a dentist to whom hospital privileges have been granted.

114           Nothing in this section shall require coverage for the dental procedures or other dental  
115 care for which general anesthesia is provided; and provided, that coverage shall be subject to  
116 annual deductible, co-payment, or co-insurance requirements, and any other general exclusions  
117 of a health insurance policy to the same extent as other medical services covered by the policy.

118           SECTION 5. Chapter 176B of the General Laws is hereby amended by inserting after  
119 section 4KK, as inserted by chapter 233 of the acts 2016, the following section:-

120

121           Section 4LL. A subscription certificate under an individual or group medical service  
122 agreement delivered, issued or renewed within the commonwealth shall provide coverage for the  
123 hospital or ambulatory center charges and administration of general anesthesia administered by a  
124 licensed anesthesiologist or certified registered nurse anesthetist for dental procedures performed  
125 on a covered person who is: (i) a child seven years of age or younger who is determined by a  
126 licensed dentist to be unable to receive needed dental treatment in an outpatient setting, and the  
127 provider treating the patient certifies that due to the patient's age and the patient's condition,  
128 hospitalization or general anesthesia in a hospital or ambulatory surgical center is required in  
129 order to perform significantly complex dental procedures safely and effectively; (ii) a child 12  
130 years of age or younger with documented phobias or a documented mental illness, as determined  
131 by a physician or by a licensed mental health professional, whose dental needs are sufficiently  
132 complex and urgent that delaying or deferring treatment may result in infection or loss of teeth;  
133 for whom a successful result cannot be expected from dental care provider under local  
134 anesthesia; and for whom a superior result can be expected from dental care provided under  
135 general anesthesia; or (iii) a person who has exceptional medical circumstances or a development  
136 disability, as determined by a licensed physician which places the person at serious risk.

137           The coverage required by this section may be subject to prior authorization for general  
138 anesthesia and associated hospital or ambulatory surgical center charges for dental care in the  
139 same manner that prior authorization is required for these benefits in connection with other  
140 covered medical care.

141           The coverage required by this section may be restricted to dental care that is provided  
142 by: (i) fully accredited specialist in pediatric dentistry; (ii) a fully accredited specialist in oral and  
143 maxillofacial surgery; and (iii) a dentist to whom hospital privileges have been granted.



144            Nothing in this section shall require coverage for the dental procedures or other dental  
145 care for which general anesthesia is provided; and provided, that coverage shall be subject to  
146 annual deductible, co-payment, or co-insurance requirements, and any other general exclusions  
147 of a health insurance policy to the same extent as other medical services covered by the policy.a

148            SECTION 6. Chapter 176G of the General Laws is hereby amended by inserting after  
149 section 4CC, as inserted by chapter 233 of the acts 2016, the following section:-

150

151            Section 4DD. An individual or group health maintenance contract shall provide coverage  
152 for a dental procedure that is related to or resulting from a medical condition for the hospital or  
153 ambulatory center charges and administration of general anesthesia administered by a licensed  
154 anesthesiologist or certified registered nurse anesthetist for dental procedures performed on a  
155 covered person who is: (i) a child seven years of age or younger who is determined by a licensed  
156 dentist to be unable to receive needed dental treatment in an outpatient setting, and the provider  
157 treating the patient certifies that due to the patient's age and the patient's condition,  
158 hospitalization or general anesthesia in a hospital or ambulatory surgical center is required in  
159 order to perform significantly complex dental procedures safely and effectively; (ii) a child 12  
160 years of age or younger with documented phobias or a documented mental illness, as determined  
161 by a physician or by a licensed mental health professional, whose dental needs are sufficiently  
162 complex and urgent that delaying or deferring treatment may result in infection or loss of teeth;  
163 for whom a successful result cannot be expected from dental care provider under local  
164 anesthesia; and for whom a superior result can be expected from dental care provided under

165 general anesthesia; or (iii) a person who has exceptional medical circumstances or a development  
166 disability, as determined by a licensed physician which places the person at serious risk.

167 The coverage required by this section may be subject to prior authorization for general  
168 anesthesia and associated hospital or ambulatory surgical center charges for dental care in the  
169 same manner that prior authorization is required for these benefits in connection with other  
170 covered medical care.

171 The coverage required by this section may be restricted to dental care that is provided  
172 by: (i) fully accredited specialist in pediatric dentistry; (ii) a fully accredited specialist in oral and  
173 maxillofacial surgery; and (iii) a dentist to whom hospital privileges have been granted.

174 Nothing in this section shall require coverage for the dental procedures or other dental  
175 care for which general anesthesia is provided; and provided, that coverage shall be subject to  
176 annual deductible, co-payment, or co-insurance requirements, and any other general exclusions  
177 of a health insurance policy to the same extent as other medical services covered by the policy.

178 SECTION 7. This act shall apply to all health insurance policies offered, issued, or  
179 renewed on or after the effective date of this act.