

**SENATE . . . . . No. 00410**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Harriette L. Chandler*

*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 to include fluoride varnish in all health insurance coverage in the Commonwealth..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Harriette L. Chandler</i>	<i>First Worcester</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>

# SENATE . . . . . No. 00410

By Ms. Chandler, petition (accompanied by bill, Senate, No. 410) of Montigny, Flanagan, Timilty and other members of the Senate for legislation to include fluoride varnish in all health insurance coverage in the commonwealth [Joint Committee on Financial Services].

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ SENATE  
□ , NO. 463 OF 2009-2010.]

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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An Act to include fluoride varnish in all health insurance coverage in the Commonwealth..

*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, as appearing in the 2008 Official  
2 Edition, is hereby amended by adding the following section:–

3 Section 25. The commission shall provide to any active or retired employee of the  
4 commonwealth who is insured under the commission coverage for fluoride varnish for moderate  
5 to high caries risk patients. The department of public health shall promulgate rules and  
6 regulations establishing criteria for eligibility for coverage hereunder, provided that Qualified  
7 Physicians, Physician’s Assistants, Nurse Practitioners, Registered Nurses, and Licensed  
8 Practical Nurses, and Certified Medical Assistants who have met the training requirements  
9 outlined by the department of public health shall provide this service.

10 SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after  
11 section 47Z the following section:–

12 Section 47AA. Any blanket or general policy of insurance, except a blanket or general policy of  
13 insurance which provides supplemental coverage to Medicare or other governmental programs,  
14 described in subdivision (A), (C) or (D) of section 110 which provides hospital expense and  
15 surgical expense insurance and which is issued or subsequently renewed by agreement between  
16 the insurer and the policy holder, within or without the commonwealth, during the period this  
17 section is effective, or any policy of accident or sickness insurance as described in section 108  
18 which provides hospital expense and surgical expense insurance, except a policy which provides  
19 supplemental coverage to Medicare or other governmental programs, and which is delivered or  
20 issued for delivery or subsequently renewed by agreement between the insurer and the policy  
21 holder in the commonwealth, during the period that this section is effective, or any employees’  
22 health and welfare fund which provides hospital expense and surgical expense benefits and  
23 which is promulgated or renewed to any person or group of persons in the commonwealth, while  
24 this section is effective, shall provide coverage for fluoride varnish for moderate to high caries  
25 risk patients. The department of public health shall promulgate rules and regulations establishing  
26 criteria for eligibility for coverage hereunder, provided that Qualified Physicians, Physician’s  
27 Assistants, Nurse Practitioners, Registered Nurses, and Licensed Practical Nurses, and Certified  
28 Medical Assistants who have met the training requirements outlined by the department of public  
29 health shall provide this service.

30 SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after  
31 section 8BB the following section:–

32           Section 8CC. (a) A contract between a subscriber and the corporation under an  
33 individual or group hospital service plan which provides hospital expense and surgical expense  
34 insurance, except contracts providing supplemental coverage to Medicare or other governmental  
35 programs, delivered, issued or renewed by agreement between the insurer and the policyholder,  
36 within or without the commonwealth, shall provide benefits to all individual subscribers and  
37 members within the commonwealth and to all group members having a principal place of  
38 employment within the commonwealth for coverage for fluoride varnish for moderate to high  
39 caries risk patients. The department of public health shall promulgate rules and regulations  
40 establishing criteria for eligibility for coverage hereunder, provided that Qualified Physicians,  
41 Physician's Assistants, Nurse Practitioners, Registered Nurses, and Licensed Practical Nurses,  
42 and Certified Medical Assistants who have met the training requirements outlined by the  
43 department of public health shall provide this service

44           SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after  
45 section 4AA the following section:—

46           Section 4BB. Any subscription certificate under an individual or group medical service  
47 agreement, except certificates which provide supplemental coverage to Medicare or other  
48 governmental programs that shall be delivered, issued or renewed within the commonwealth  
49 shall provide, as benefits to all individual subscribers or members within the commonwealth and  
50 to all group members having a principal place of employment within the commonwealth,  
51 coverage for fluoride varnish for moderate to high caries risk patients. The department of public  
52 health shall promulgate rules and regulations establishing criteria for eligibility for coverage  
53 hereunder, provided that Qualified Physicians, Physician's Assistants, Nurse Practitioners,  
54 Registered Nurses, and Licensed Practical Nurses, and Certified Medical Assistants who have

55 met the training requirements outlined by the department of public health shall provide this  
56 service

57 SECTION 5. Chapter 176G of the General Laws is hereby amended by inserting after  
58 section 4S the following section:—

59 Section 4T. Individual and group health maintenance contracts shall provide coverage  
60 for fluoride varnish for moderate to high caries risk patients. The department of public health  
61 shall promulgate rules and regulations establishing criteria for eligibility for coverage hereunder,  
62 provided that Qualified Physicians, Physician’s Assistants, Nurse Practitioners, Registered  
63 Nurses, and Licensed Practical Nurses, and Certified Medical Assistants who have met the  
64 training requirements outlined by the department of public health shall provide this service

65 SECTION 6. This act shall apply to all policies, contracts, agreements, plans or  
66 certificates of insurance issued or delivered within the commonwealth on or after January 1,  
67 2014, or upon renewal to all policies, contracts, agreements, plans or certificates of insurance in  
68 effect before January 1, 2010.