

**SENATE . . . . . No. 464**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Creem, Cynthia (SEN)**

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*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 Mandate Insurance Coverage For Bone Mass Measurement Testing For The Diagnosis Of Osteoporosis.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Creem, Cynthia (SEN)	First Middlesex and Norfolk
Susan C. Fargo	Third Middlesex
Colleen M. Garry	36th Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S00584 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT TO MANDATE INSURANCE COVERAGE FOR BONE MASS MEASUREMENT TESTING FOR THE DIAGNOSIS OF OSTEOPOROSIS.

*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 2006 Official  
2 Edition, is hereby amended by inserting after section 47Z the following section:-  
3 Section 47AA. Any blanket or general policy of insurance described in subdivision (A), (C), or  
4 (D) of section one hundred and ten which is issued or subsequently renewed by agreement  
5 between the insurer and the policyholder, within or without the commonwealth, during the  
6 period within which this premium is effective, or any policy of accident or sickness insurance as  
7 described in section one hundred and eight which provides hospital expense and surgical expense  
8 insurance and which is delivered or issued for delivery or subsequently renewed by agreement  
9 between the insurer and the policyholder in the commonwealth, during the period within which  
10 this provision is effective, or any employers' health and welfare fund which provides hospital  
11 expense and surgical expense benefits and which is issued or renewed to any person or group of  
12 persons in the commonwealth, during the period within which this provision is effective,

13 shall provide coverage to residents of the commonwealth for bone densitometry, including but  
14 not limited to single photon absorptiometry, dual photon absorptiometry and dual x-ray  
15 absorptiometry. Said benefits shall be provided in accordance with rules and regulations  
16 promulgated by the commissioner of insurance in consultation with the commissioner of public  
17 health.

18 SECTION 2. Chapter 176A of the General laws, as appearing in the 2006 Official  
19 Edition, is hereby amended by inserting after section 8AA the following section:-

20 Section 8AB. Any contract, except contracts providing supplemental coverage to medicare or  
21 other governmental programs, between a subscriber and the corporation under an individual  
22 group hospital service plan which shall be delivered, issued or renewed in the commonwealth  
23 shall provide, as a basic benefit to all individual subscribers and members within the  
24 commonwealth and to all group members having a principal place of employment within the  
25 commonwealth, coverage for bone densitometry, including but not limited to single photon  
26 absorptiometry, dual photon absorptiometry and dual x-ray absorptiometry. Said benefits shall  
27 be provided in accordance with rules and regulations promulgated by the commissioner of  
28 insurance in consultation with the commissioner of public health.

29 SECTION 3. Chapter 176B of the General laws, as appearing in the 2006 Official  
30 Edition, is hereby amended by inserting after section 4AA the following section:-

31 Section 4AB. Any subscription certificate under an individual or group medical service  
32 agreement, except certificates which provide supplemental coverage to Medicare or other  
33 governmental programs, which shall be delivered or issued or renewed in the commonwealth  
34 shall provide as benefits to all individual subscribers and members within the commonwealth  
35 and to all group members having a principal place of employment within the commonwealth,

36 coverage for bone densitometry, including but not limited to single photon absorptiometry, dual  
37 photon absorptiometry and dual x-ray absorptiometry. Said benefits shall be provided in  
38 accordance with rules and regulations promulgated by the commissioner of insurance in  
39 consultation with the commissioner of public health.

40 SECTION 4. The first paragraph of section 4 of chapter 176G of the General laws, as  
41 appearing in the 2006 Official Edition, is hereby amended by inserting after the last sentence on  
42 line 26 the following sentence:-

43 “Such health maintenance contract shall also provide coverage for medically necessary bone  
44 densitometry as set forth in section forty-seven AA of chapter one hundred and seventy-five.”

45 SECTION 5. The commissioner of insurance, in consultation with the commissioner of  
46 public health, shall promulgate rules and regulations under the authority of sections 47AA of  
47 chapter 175, section 8AB of chapter 176A, section 4AB of chapter 176B, setting forth  
48 requirements and conditions of coverage for bone densitometry; requirements and conditions of  
49 coverage shall include: (a) for women who have falling estrogen levels, and who are not already  
50 using estrogen replacement therapy, coverage shall include the expense of two bone density tests  
51 in a lifetime provided that no other clinical indications of rapid bone loss arise, in which case  
52 coverage shall not be limited, but shall be provided as necessary; and (b) coverage shall be  
53 provided as necessary for patients who are diagnosed with a clinical condition, other than a  
54 falling estrogen level, which indicates rapid bone loss. In setting such requirements and  
55 conditions with respect to conditions other than a falling estrogen level which indicate rapid bone  
56 loss, the commissioner of insurance shall review the recommendations of the National  
57 Osteoporosis Foundation. Said rules and regulations shall be promulgated in accordance with  
58 the requirements of sections two through six of chapter thirty A.