

SENATE No. 565

The Commonwealth of Massachusetts

PRESENTED BY:

Julian Cyr

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 to increase access to lactation support through proper reimbursement.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Julian Cyr</i>	<i>Cape and Islands</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>1/30/2019</i>
<i>James T. Welch</i>	<i>Hampden</i>	<i>1/30/2019</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>1/30/2019</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/1/2019</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>2/5/2019</i>

SENATE No. 565

By Mr. Cyr, a petition (accompanied by bill, Senate, No. 565) of Julian Cyr, Kay Khan, James T. Welch, Anne M. Gobi and other members of the General Court for legislation to increase access to lactation support through proper reimbursement. Financial Services.

The Commonwealth of Massachusetts

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

An Act to increase access to lactation support through proper reimbursement.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 175 of the General Laws, as appearing in the 2016 Official Edition, is amended
2 by striking out section 47CC and inserting in place thereof the following:-

3 Section 47CC. (a) Any blanket or general policy of insurance described in subsection
4 (A), (C), or (D) of section 110 which is issued or subsequently renewed by agreement between
5 the insurer and the policyholder, within or without the commonwealth, during the period this
6 provision is effective, or any policy of accident and sickness insurance as described in section
7 108 which provides hospital expense and surgical expense insurance and which is delivered or
8 issued for delivery or subsequently renewed by agreement between the insurer and the
9 policyholder in the commonwealth during the period that this provision is effective shall provide,
10 to the same extent that benefits are provided for other pregnancy-related procedures coverage for
11 lactation support consisting of, at minimum, lactation care and services by qualified lactation
12 care providers provided that such services are within the lawful scope of practice for such

13 providers, the costs of breastfeeding equipment, and the performance of any necessary maternal
14 and newborn clinical assessments.

15 (b) As used in this section, the following words shall have the following meanings:

16 “Breastfeeding equipment”, means manual, electric, single user and multi-user breast
17 pumps, breast pump flanges, nipple shields, and other lactation accessories recommended by a
18 qualified lactation care provider or other health professional, whether a rental or a purchase.

19 “Lactation care and services”, the clinical application of scientific principles and a
20 multidisciplinary body of evidence to provide evaluation, problem identification, treatment,
21 education and consultation, regarding breastfeeding and breast milk feeding to client-defined
22 families by a qualified lactation care provider. Lactation care and services may be delivered
23 during pregnancy, a hospital stay, and the postpartum period, and may be delivered in an office
24 setting, in a hospital, through home visits, through telephone support, or any combination of
25 these. Lactation care and services include but are not limited to: lactation assessment through the
26 systematic collection of subjective and objective data; analysis of data; development of a
27 lactation care plan with demonstration and instruction to parents and communication to the
28 primary health care provider; provision of lactation education to parents and health care
29 providers; and the recommendation and use of assistive devices.

30 “Nationally recognized accrediting agency”, the National Commission for Certifying
31 Agencies (“NCCA”), the Institute for Credentialing Excellence (“ICE”), and American National
32 Standards Institute (“ANSI”).

33 “Qualified lactation care provider”, means a person who possesses current certification
34 from a certification program accredited by a Nationally Recognized Accrediting Agency.

35 (c) An insurer providing coverage under this paragraph and any participating entity
36 through which the insurer offers health services shall not:

37 deny to a covered person eligibility, or continued eligibility, to enroll or to renew
38 coverage under the terms of the policy or vary the terms of the policy for the purpose or with the
39 effect of avoiding compliance with this paragraph;

40 provide incentives (monetary or otherwise) to encourage a covered person to accept less
41 than the minimum protections available under this paragraph;

42 penalize in any way or reduce or limit the compensation of a health care practitioner for
43 recommending or providing care to a covered person in accordance with this paragraph;

44 provide incentives (monetary or otherwise) to a health care practitioner relating to the
45 services provided pursuant to this paragraph intended to induce or have the effect of inducing
46 such practitioner to provide care to a covered person in a manner inconsistent with this
47 paragraph;

48 restrict coverage for any portion of a period within a hospital length of stay required
49 under this paragraph in a manner which is inconsistent with the coverage provided for any
50 preceding portion of such stay;

51 require prior authorization, prescription or referral for lactation care and services; or

52 impose a deductible, coinsurance, co-payment or any other cost-sharing requirement for
53 lactation care and services or breastfeeding equipment provided under this paragraph.