

# SENATE NO. 612

## **AN ACT** RELATIVE TO PROMOTING PATIENT ACCESS AND AFFORDABILITY IN TREATING EYE AND VISION

*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 2004 Official Edition, shall be  
2 amended, after section 108G, by inserting the following new section:-  
3 “Section 108H. (1) No person shall interfere with the exercise of another person’s selection to seek  
4 treatment from a health care provider licensed under chapter 112.  
5 (2) If any accident or health insurance plan, contract or agreement offers health care benefits which provide  
6 ophthalmologic care for any person, partnership, corporation, association or group, however organized, such  
7 accident or health insurance plan, contract or agreement shall provide optometric care. If the ophthalmologic  
8 care provided may be lawfully rendered by an optometrist, such plan, contract or agreement shall provide the  
9 identical eye care coverage and benefits for its members when such care is rendered by an optometrist under  
10 such accident or health insurance plan, contract or agreement. Such accident or health insurance plan,  
11 contract or agreement shall provide for (1) contracting with ophthalmologists and optometrists in a manner  
12 which will provide an equal proportion of duly licensed provider types in relation to the benefits provided by  
13 such accident or health insurance plan, contract or agreement, and (2) equally inform its members of the  
14 availability of ophthalmologic and optometric services.

15 (3) The commissioner shall adopt regulations to carry out the provisions of subsection (b) of this section as  
16 necessary.

17 SECTION 2. Chapter 176A of the General Laws, as appearing in the 2004 Official Edition, shall be  
18 amended, after section 32, by inserting the following new section:-

19 “Section 33. (1) No person shall interfere with the exercise of another person’s selection to seek treatment  
20 from a health care provider licensed under chapter 112.

21 (2) If any accident or health insurance plan, contract or agreement offers health care benefits which provide  
22 ophthalmologic care for any person, partnership, corporation, association or group, however organized, such  
23 accident or health insurance plan, contract or agreement shall provide optometric care. If the ophthalmologic  
24 care provided may be lawfully rendered by an optometrist, such plan, contract or agreement shall provide the  
25 identical eye care coverage and benefits for its members when such care is rendered by an optometrist under  
26 such accident or health insurance plan, contract or agreement. Such accident or health insurance plan,  
27 contract or agreement shall provide for (1) contracting with ophthalmologists and optometrists in a manner  
28 which will provide an equal proportion of duly licensed provider types in relation to the benefits provided by  
29 such accident or health insurance plan, contract or agreement, and (2) equally inform its members of the  
30 availability of ophthalmologic and optometric services.

31 (3) The commissioner shall adopt regulations to carry out the provisions of subsection (b) of this section as  
32 necessary.

33 SECTION 3. Chapter 176B of the General Laws, as appearing in the 2004 Official Edition, shall be  
34 amended, after section 4R, by inserting the following new section:-

35 “Section 4S. (1) No person shall interfere with the exercise of another person’s selection to seek treatment  
36 from health care provider licensed under chapter 112.

37 (2) If any accident or health insurance plan, contract or agreement offers health care benefits which provide  
38 ophthalmologic care for any person, partnership, corporation, association or group, however organized, such  
39 accident or health insurance plan, contract or agreement shall provide optometric care. If the ophthalmologic  
40 care provided may be lawfully rendered by an optometrist, such plan, contract or agreement shall provide the

41 identical eye care coverage and benefits for its members when such care is rendered by an optometrist under  
42 such accident or health insurance plan, contract or agreement. Such accident or health insurance plan,  
43 contract or agreement shall provide for (1) contracting with ophthalmologists and optometrists in a manner  
44 which will provide an equal proportion of duly licensed provider types in relation to the benefits provided by  
45 such accident or health insurance plan, contract or agreement, and (2) equally inform its members of the  
46 availability of ophthalmologic and optometric services.

47 (3) The commissioner shall adopt regulations to carry out the provisions of subsection (b) of this section as  
48 necessary.

49 SECTION 4. Chapter 176C of the General Laws, as appearing in the 2004 Official Edition, shall be  
50 amended, after section 4Q, by inserting the following new section:-

51 “Section 4R. (1) No person shall interfere with the exercise of another person’s selection to seek treatment  
52 from health care provider licensed under chapter 112.

53 (2) If any accident or health insurance plan, contract or agreement offers health care benefits which provide  
54 ophthalmologic care for any person, partnership, corporation, association or group, however organized, such  
55 accident or health insurance plan, contract or agreement shall provide optometric care. If the ophthalmologic  
56 care provided may be lawfully rendered by an optometrist, such plan, contract or agreement shall provide the  
57 identical eye care coverage and benefits for its members when such care is rendered by an optometrist under  
58 such accident or health insurance plan, contract or agreement. Such accident or health insurance plan,  
59 contract or agreement shall provide for (1) contracting with ophthalmologists and optometrists in a manner  
60 which will provide an equal proportion of duly licensed provider types in relation to the benefits provided by  
61 such accident or health insurance plan, contract or agreement, and (2) equally inform its members of the  
62 availability of ophthalmologic and optometric services.

63 (3) The commissioner shall adopt regulations to carry out the provisions of subsection (b) of this section as  
64 necessary.

65 SECTION 5. Chapter 176G of the General Laws, as appearing in the 2004 Official Edition, shall be  
66 amended, after section 4J, by inserting the following new section:-

67 “Section 4K. (1) No person shall interfere with the exercise of another person’s selection to seek treatment  
68 from health care provider licensed under chapter 112.

69 (2) If any accident or health insurance plan, contract or agreement offers health care benefits which provide  
70 ophthalmologic care for any person, partnership, corporation, association or group, however organized, such  
71 accident or health insurance plan, contract or agreement shall provide optometric care. If the ophthalmologic  
72 care provided may be lawfully rendered by an optometrist, such plan, contract or agreement shall provide the  
73 identical eye care coverage and benefits for its members when such care is rendered by an optometrist under  
74 such accident or health insurance plan, contract or agreement. Such accident or health insurance plan,  
75 contract or agreement shall provide for (1) contracting with ophthalmologists and optometrists in a manner  
76 which will provide an equal proportion of duly licensed provider types in relation to the benefits provided by  
77 such accident or health insurance plan, contract or agreement, and (2) equally inform its members of the  
78 availability of ophthalmologic and optometric services.

79 (3) The commissioner shall adopt regulations to carry out the provisions of subsection (b) of this section as  
80 necessary.