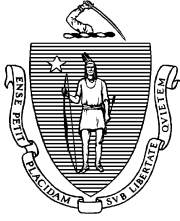


[SIMILAR MATTER FILED DURING PAST SESSION
SEE NO. 759 OF 2005-2006]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND SEVEN

AN ACT AN ACT RELATIVE TO COVERAGE FOR ASTHMA EDUCATION AND TRAINING

*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. WHEREAS the National Center for Health Statistics reported in July 2003 that an
2 estimated 9 million children under 18 years of age in the United States have asthma, of which
3 4.2 million suffered from an asthma attack or episode in 2002;
4 WHEREAS in September 2004 the American Lung Association estimated that 441,954 adults
5 and 121,604 children under the age of eighteen had asthma in Massachusetts;
6 WHEREAS asthma is the most common chronic illness among children and is one of the
7 leading causes of emergency room visits, hospitalizations, and school absences, with nearly
8 fourteen million lost school days per year nationwide;
9 WHEREAS research shows that asthma education can be cost-effective and can reduce
10 morbidity for both adults and children, especially among high-risk patients, and is an essential
11 component of successful asthma management;

12 Be it enacted by the General Court:

13 SECTION 1. Chapter 32A of the General Laws is hereby amended by inserting after section
14 17H the following section:-

15 Section 17I. The commission shall provide to an active or retired employee of the
16 commonwealth who is insured under the group insurance commission coverage for asthma
17 education and training for patient self-management if such services have been prescribed by a
18 health care professional legally authorized to prescribe such services and when provided by a
19 certified asthma health care provider participating with said insurance contract or affiliated with
20 a provider participating with said insurance contract. Education and training services shall be
21 authorized for not less than one hundred twenty minutes per year and delivered in the context of
22 an office visit, home visit, or group education, as determined by the referring physician or
23 qualified nonphysician practitioner.

24 Asthma education and training services shall be consistent with the standards outlined in
25 the National Asthma Education and Prevention Program's Guidelines for the Diagnosis and
26 Management of Asthma and shall include (1) instruction about asthma and asthma triggers, (2)
27 instruction on how and why to take long-term control and quick relief medications, (3)
28 demonstrations concerning correct technique for use of inhalers and spacing devices to dispense
29 medications, and nebulizers, (4) instruction about self-monitoring techniques such as peak flow
30 monitoring and symptom recognition with patients, when appropriate, (5) instruction about
31 factors that worsen asthma, how to practice allergen avoidance, and actions enrollees and their
32 family can take to control asthma attacks; and (6) development of a written asthma management
33 individual treatment plan.

34 As used in this section, "certified asthma health care provider" shall mean a licensed
35 health care professional with expertise in asthma or an individual certified as an asthma
36 educator by a nationally recognized certification program, including but not limited to National
37 Asthma Educator Certification Board.

38 When coverage is provided through a nonprofit hospital service corporation or a
39 nonprofit medical corporation, outpatient self-management training and education shall be
40 provided by a certified asthma health care provider participating with the hospital service plan
41 or medical service agreement or affiliated with a provider participating with the hospital service
42 plan or medical service agreement. When coverage is provided through a health maintenance
43 contract, outpatient self-management training and education, shall be provided by a certified
44 asthma health care provider participating with the health maintenance contract or affiliated with
45 a provider participating with the health maintenance contract. Nothing in this section shall be
46 construed to require the commission to contract with a certified asthma health care provider
47 who is not already under contract with the commission.

48 The benefits provided in this section shall meet all other terms and conditions within an
49 insurance plan. Coverage shall not be reduced or eliminated due to the requirements of this
50 section.

51 SECTION 2. Chapter 118E of the General Laws is hereby amended by inserting after section
52 10F, as so appearing, the following section:-

53 Section 10G. The division shall provide coverage for asthma education and training for
54 patient self-management if such services have been prescribed by a health care professional
55 legally authorized to prescribe such services and when provided by a certified asthma health
56 care provider participating with the division or affiliated with a provider participating with the

57 division. Education and training services shall be authorized for not less than one hundred
58 twenty minutes per year and delivered in the context of an office visit, home visit, or group
59 education, as determined by the referring physician or qualified nonphysician practitioner.

60 Asthma education and training services shall be consistent with the standards outlined in
61 the National Asthma Education and Prevention Program's Guidelines for the Diagnosis and
62 Management of Asthma and shall include (1) instruction about asthma and asthma triggers, (2)
63 instruction on how and why to take long-term control and quick relief medications, (3)
64 demonstrations concerning correct technique for use of inhalers and spacing devices to dispense
65 medications, and nebulizers, (4) instruction about self-monitoring techniques such as peak flow
66 monitoring and symptom recognition with patients, when appropriate (5) instruction about
67 factors that worsen asthma, how to practice allergen avoidance, and actions enrollees and their
68 family can take to control asthma attacks; and (6) development of a written asthma management
69 individual treatment plan.

70 As used in this section, "certified asthma health care provider" shall mean a licensed
71 health care professional with expertise in asthma or an individual certified as an asthma
72 educator by a nationally recognized certification program, including but not limited to National
73 Asthma Educator Certification Board.

74 SECTION 3. Chapter 175 of the General Laws is hereby amended by inserting after section
75 47X, as so appearing, the following section:

76 Section 47Y. An individual policy of accident and sickness insurance issued pursuant to
77 section 108 which provides hospital expense and surgical expense insurance, and any group
78 blanket policy of accident and sickness insurance issued pursuant to section 110 which provides
79 hospital expense and surgical expense insurance, delivered, issued or renewed by agreement

80 between the insurer and the policyholder, within or without the commonwealth, shall provide
81 benefits for asthma management training and education if such services have been prescribed by
82 a health care professional legally authorized to prescribe such services and when provided by a
83 certified asthma health care provider participating with said insurance contract or affiliated with
84 a provider participating with said insurance contract. Education and training services shall be
85 authorized for not less than one hundred twenty minutes per year and delivered in the context of
86 an office visit, home visit, or group education, as determined by the referring physician or
87 qualified nonphysician practitioner.

88 Asthma education and training services shall be consistent with the standards outlined in
89 the National Asthma Education and Prevention Program's Guidelines for the Diagnosis and
90 Management of Asthma and shall include (1) instruction about asthma and asthma triggers, (2)
91 instruction on how and why to take long-term control and quick relief medications, (3)
92 demonstrations concerning correct technique for use of inhalers and spacing devices to dispense
93 medications, and nebulizers, (4) instruction about self-monitoring techniques such as peak flow
94 monitoring and symptom recognition with patients, when appropriate (5) instruction about
95 factors that worsen asthma, how to practice allergen avoidance, and actions enrollees and their
96 family can take to control asthma attacks; and (6) development of a written asthma management
97 individual treatment plan.

98 As used in this section, "certified asthma health care provider" shall mean a licensed
99 health care professional with expertise in asthma or an individual certified as an asthma
100 educator by a nationally recognized certification program, including but not limited to National
101 Asthma Educator Certification Board.

102 The benefits provided in this section shall meet all other terms and conditions within a
103 policy. Coverage shall not be reduced or eliminated due to the requirements of this section.

104 SECTION 4. Chapter 176A of the General Laws is hereby amended by inserting after section
105 8Y, as so appearing, the following section:-

106 Section 8Z. A contract between a subscriber and the corporation under an individual or
107 group hospital service plan which provides hospital expense and surgical expense insurance,
108 delivered, issued or renewed by agreement between the insurer and the policyholder, within or
109 without the commonwealth, shall provide benefits to all individual subscribers and members
110 within the commonwealth and to all group members having a principal place of employment
111 within the commonwealth for asthma education and training for patient self-management if such
112 services have been prescribed by a health care professional legally authorized to prescribe such
113 services and when provided by a certified asthma health care provider participating with said
114 insurance contract or affiliated with a provider participating with said insurance contract.
115 Education and training services shall be authorized for not less than one hundred twenty
116 minutes per year and delivered in the context of an office visit, home visit, or group education,
117 as determined by the referring physician or qualified nonphysician practitioner.

118 Asthma education and training services shall be consistent with the standards outlined in
119 the National Asthma Education and Prevention Program's Guidelines for the Diagnosis and
120 Management of Asthma and shall include (1) instruction about asthma and asthma triggers, (2)
121 instruction on how and why to take long-term control and quick relief medications, (3)
122 demonstrations concerning correct technique for use of inhalers and spacing devices to dispense
123 medications, and nebulizers, (4) instruction about self-monitoring techniques such as peak flow
124 monitoring and symptom recognition with patients, when appropriate (5) instruction about

125 factors that worsen asthma, how to practice allergen avoidance, and actions enrollees and their
126 family can take to control asthma attacks; and (6) development of a written asthma management
127 individual treatment plan.

128 As used in this section, "certified asthma health care provider" shall mean a licensed
129 health care professional with expertise in asthma or an individual certified as an asthma
130 educator by a nationally recognized certification program, including but not limited to National
131 Asthma Educator Certification Board.

132 Administration for the purposes or which they have been prescribed and asthma
133 management training and education when provided by a certified asthma health care provider
134 participating with the nonprofit service corporation or affiliated with a provider participating
135 with the nonprofit service corporation. As used in this section, "certified asthma health care
136 provider" shall mean a licensed health care professional with expertise in asthma or an
137 individual certified as an asthma educator by a nationally recognized certification program,
138 including but not limited to National Asthma Educator Certification Board.

139 Nothing in this section shall be construed to require a nonprofit service corporation to
140 contract with a certified asthma health care provider who is not already under contract with such
141 nonprofit service corporation.

142 The benefits provided in this section shall meet all other terms and conditions within a
143 subscription certificate. Hospital service plans shall not reduce or eliminate coverage due to the
144 requirements of this section.

145 SECTION 5. Chapter 176B of the General Laws is hereby amended by striking inserting after
146 section 4Y, as so appearing, and inserting in place thereof the following section:-

147 Section 4Z. A subscription certificate under an individual or group medical service
148 agreement which provides hospital expense and surgical expense insurance delivered, issued or
149 renewed by agreement between the insurer and the policyholder, within or without the
150 commonwealth, shall provide benefits to all individual subscribers and members within the
151 commonwealth and to all group members having a principal place of employment within the
152 commonwealth coverage for asthma education and training for patient self-management if such
153 services have been prescribed by a health care professional legally authorized to prescribe such
154 services and when provided by a certified asthma health care provider participating with said
155 insurance contract or affiliated with a provider participating with said insurance contract.
156 Education and training services shall be authorized for not less than one hundred twenty
157 minutes per year and delivered in the context of an office visit, home visit, or group education,
158 as determined by the referring physician or qualified nonphysician practitioner.

159 Asthma education and training services shall be consistent with the standards outlined in
160 the National Asthma Education and Prevention Program's Guidelines for the Diagnosis and
161 Management of Asthma and shall include (1) instruction about asthma and asthma triggers, (2)
162 instruction on how and why to take long-term control and quick relief medications, (3)
163 demonstrations concerning correct technique for use of inhalers and spacing devices to dispense
164 medications, and nebulizers, (4) instruction about self-monitoring techniques such as peak flow
165 monitoring and symptom recognition with patients, when appropriate (5) instruction about
166 factors that worsen asthma, how to practice allergen avoidance, and actions enrollees and their
167 family can take to control asthma attacks; and (6) development of a written asthma management
168 individual treatment plan.

169 As used in this section, "certified asthma health care provider" shall mean a licensed
170 health care professional with expertise in asthma or an individual certified as an asthma
171 educator by a nationally recognized certification program, including but not limited to National
172 Asthma Educator Certification Board.

173 Nothing in this section shall be construed to require a medical service corporation to
174 contract with a certified asthma health care provider who is not already under contract with such
175 medical service corporation.

176 The benefits provided in this section shall meet all other terms and conditions within a
177 subscription certificate. Medical service agreements shall not reduce or eliminate coverage due
178 to the requirements of this section.

179 SECTION 6. Chapter 176G of the General Laws is hereby amended by inserting after section
180 4Q, as so appearing, and inserting in place thereof the following section:-

181 Section 4R. Any individual or group health maintenance contract delivered, issued or
182 renewed by agreement between the insurer and the policyholder, within or without the
183 commonwealth, shall provide, as set forth in [section 47Y of chapter 175](#), coverage for asthma
184 education and training for patient self-management if such services have been prescribed by a
185 health care professional legally authorized to prescribe such services and when provided by a
186 certified asthma health care provider participating with said insurance contract or affiliated with
187 a provider participating with said insurance contract. Education and training services shall be
188 authorized for not less than one hundred twenty minutes per year and delivered in the context of
189 an office visit, home visit, or group education, as determined by the referring physician or
190 qualified nonphysician practitioner.

191 Asthma education and training services shall be consistent with the standards outlined in
192 the National Asthma Education and Prevention Program's Guidelines for the Diagnosis and
193 Management of Asthma and shall include (1) instruction about asthma and asthma triggers, (2)
194 instruction on how and why to take long-term control and quick relief medications, (3)
195 demonstrations concerning correct technique for use of inhalers and spacing devices to dispense
196 medications, and nebulizers, (4) instruction about self-monitoring techniques such as peak flow
197 monitoring and symptom recognition with patients, when appropriate (5) instruction about
198 factors that worsen asthma, how to practice allergen avoidance, and actions enrollees and their
199 family can take to control asthma attacks; and (6) development of a written asthma management
200 individual treatment plan.

201 As used in this section, "certified asthma health care provider" shall mean a licensed
202 health care professional with expertise in asthma or an individual certified as an asthma
203 educator by a nationally recognized certification program, including but not limited to National
204 Asthma Educator Certification Board.

205 Nothing in this section shall be construed to require a health maintenance organization to
206 contract with a certified asthma health care provider who is not already under contract with such
207 health maintenance organization.

208 The benefits provided in this section shall meet all other terms and conditions within a
209 health maintenance contract. Health maintenance contracts shall not reduce or eliminate
210 coverage due to the requirements of this section.

