



COMMONWEALTH OF MASSACHUSETTS

Office of Consumer Affairs and Business Regulation

DIVISION OF INSURANCE

1000 Washington Street, Suite 810 • Boston, MA 02118-6200

(617) 521-7794 Toll-free (877) 563-4467

<http://www.mass.gov/doi>

MAURA HEALEY
GOVERNOR

KIM DRISCOLL
LIEUTENANT GOVERNOR

MICHAEL T. CALJOUW
COMMISSIONER OF INSURANCE

MASSACHUSETTS GENERAL LAWS
Mandating that Certain Health Benefits Be Provided By
Commercial Insurers, Blue Cross and Blue Shield and
Health Maintenance Organizations as of 0717/2023

I. Services and supplies	Pages 1-5
II. Mandated providers and provider contracting	Pages 6-7
III. Eligibility	Page 8
IV. Confidentiality.....	Page 9
V. Continuation of coverage.....	Page 10
VI. Other	Page 10

Listings are for informational purposes only.
Please refer to the appropriate sections of the law for specific
mandated benefit provisions.

I. Services and supplies
BEHAVIORAL HEALTH

	REGULATORY CITATIONS		
	<u>COMMERCIAL INSURER</u>	<u>BLUE CROSS AND BLUE SHIELD</u>	<u>HMO</u>
Autism <i>Extraterritorial</i> ¹	c. 175 § 47AA <i>See also Bulletin 2010-15 and Bulletin 2011-08</i>	c. 176A § 8DD; c. 176B § 4DD <i>See also Bulletin 2010-15 and Bulletin 2011-08</i>	c. 176G § 4V <i>See also Bulletin 2010-15 and Bulletin 2011-08</i>
Behavioral health care <i>Extraterritorial</i>	c. 175 § 47B <i>See also Bulletins 2023-11; 2023-07; 2023-05; 2022-08; 2021-07; 2019-08; 2018-01; and 2015-08</i>	c. 176A § 8A; c. 176B § 4A <i>See also Bulletins 2023-11; 2023-07; 2023-05; 2022-08; 2021-07; 2019-08; 2018-01; and 2015-08</i>	c. 176G § 4M <i>See also Bulletins 2023-11; 2023-07; 2023-05; 2022- 08; 2021-07; 2019-08; 2018-01; and 2015-08</i>
Behavioral health wellness examination <i>Extraterritorial</i>	c. 175 § 47TT <i>See also Bulletin 2023-05</i>	c. 176A § 8UU; c. 176B § 4UU <i>See also Bulletin 2023-05</i>	c. 176G § 4MM <i>See also Bulletin 2023-05</i>
Community-based acute behavioral health treatment <i>Extraterritorial</i>	c. 175 § 47SS <i>See also Bulletin 2023-07</i>	c. 176A § 8SS; c. 176B § 4SS <i>See also Bulletin 2023-07</i>	c. 176G § 4KK <i>See also Bulletin 2023-07</i>
Community-based behavioral health crisis services (replacing Emergency Services Programs) <i>Extraterritorial</i>	c. 175 § 47RR <i>See also Bulletin 2023-11</i>	c. 176A § 8TT; c. 176B § 4TT <i>See also Bulletin 2023-11</i>	c. 176G § 4LL <i>See also Bulletin 2023-11</i>
Psychiatric Collaborative Model of Care <i>Extraterritorial</i>	c. 175 § 47QQ <i>See also Bulletin 2023-04</i>	c. 176A § 8RR; c. 176B § 4RR <i>See also Bulletin 2023-04</i>	c. 176G § 4JJ <i>See also Bulletin 2023-04</i>
Substance use: Acute Treatment and Clinical Stabilization Services	c. 175 § 47GG <i>See also Bulletin 2015-05</i>	c. 176A § 8II; c. 176B § 4II <i>See also Bulletin 2015-05</i>	c. 176G § 4AA <i>See also Bulletin 2015-05</i>

¹ If a mandated benefit is Extraterritorial, then it applies to health plans issued or renewed within the Commonwealth and to health plans issued or renewed in other states to Massachusetts members.

Substance use: Deterrent opioid drug products and pain management access plans	c. 175 § 47EE; c. 175 § 47KK <i>See also Bulletin 2019-06</i>	c. 176A § 8GG; c. 176B § 4GG; c. 176A § 8MM; c. 176B § 4MM <i>See also Bulletin 2019-06</i>	c. 176G § 4Y; c. 176G § 4EE <i>See also Bulletin 2019-06</i>
--	--	--	---

I. Services and supplies **NON-BEHAVIORAL HEALTH**

	COMMERCIAL INSURER	BLUE CROSS AND BLUE SHIELD	HMO
Abortion <i>Extraterritorial for M.G.L. c. 175</i>	c. 175 § 47F <i>See also Bulletin 2023-01</i>	c. 176A § 8H; c. 176B § 4H <i>See also Bulletin 2023-01</i>	c. 176G § 4I <i>See also Bulletin 2023-01</i>
Bone marrow transplants for treatment of breast cancer	c. 175 § 47R (105 CMR 240.00)	c. 176A § 8O; c. 176B § 4O (105 CMR 240.00)	c. 176G § 4F (105 CMR 240.00)
Cardiac rehabilitation <i>Extraterritorial for M.G.L. c. 175 and 176G</i>	c. 175 § 47D (105 CMR 143.00)	c. 176A § 8G; c. 176B § 4F (105 CMR 143.00)	c. 176G § 4 (105 CMR 143.00)
Chiropractic services	n/a, <i>but see p. 7 regarding provider nondiscrimination</i>	c. 176A, n/a; c. 176B § 4L <i>but see p. 7 regarding provider nondiscrimination</i>	n/a, <i>but see p. 7 regarding provider nondiscrimination</i>
Cleft palate and cleft lip <i>Extraterritorial</i>	c. 175 § 47BB <i>See c. 234 of the Acts of 2012; See also Bulletin 2012-12</i>	c. 176A § 8EE; c. 176B, §4EE <i>See c. 234 of the Acts of 2012; See also Bulletin 2012-12</i>	c. 176G § 4W <i>See c. 234 of the Acts of 2012; See also Bulletin 2012-12</i>
Clinical trials (to treat cancer)	c. 175 § 110L <i>See also Bulletin 2002-13</i>	c. 176A § 8X; c. 176B § 4X <i>See also Bulletin 2002-13</i>	c. 176G § 4P <i>See also Bulletin 2002-13</i>
Contraceptive services	c. 175 § 47W <i>See also Bulletin 2020-26; Bulletin 2016-03; Bulletin 2002-09</i>	c. 176A § 8W; c. 176B § 4W <i>See also Bulletin 2020-26; Bulletin 2016-03; Bulletin 2002-09</i>	c. 176G § 4O <i>See also Bulletin 20-26; Bulletin 2016-03; Bulletin 2002-09</i>
COVID tests, vaccines and treatment	c. 260, 2020 Acts § 70 <i>See also Bulletin 2021-08</i>	c. 260, 2020 Acts § 70 <i>See also Bulletin 2021-08</i>	c. 260, 2020 Acts § 70 <i>See also Bulletin 21-08</i>

Cytologic screening <i>Extraterritorial for M.G.L. c. 175 and M.G.L. c. 176G</i>	c. 175 § 47G	c. 176A, §8J; c. 176B, § 4I	c. 176G § 4
Diabetes-related services and supplies <i>Extraterritorial</i>	c. 175 § 47N <i>See also Bulletin 00-05</i>	c. 176A § 8P; c. 176B § 4S <i>See also Bulletin 00-05</i>	c. 176G § 4H <i>See also Bulletin 00-05</i>
Early Intervention services <i>Extraterritorial for M.G.L. c. 175</i>	c. 175 § 47C <i>Bulletin 2009-08; Bulletin 2004-07; Bulletin 2002-06</i>	c. 176A § 8B; c. 176B § 4C <i>Bulletin 2009-08; Bulletin 2004-07; Bulletin 2002-06</i>	c. 176G § 4 <i>Bulletin 2009-08; Bulletin 2004-07; Bulletin 2002-06</i>
Federally-Designed Preventive Services	c. 175 §47uu	c. 176A §8vv; c. 176B §4vv	c. 176G §4nn
Hearing aids for children <i>Extraterritorial for M.G.L. c. 175 large-employer plans and employees under 176A & B plans</i>	c. 175 § 47X(f) <i>See c. 233 of the Acts of 2012; Bulletin 2012-11</i>	c. 176A § 8Y(f); c. 176B § 4EE <i>See c. 233 of the Acts of 2012; Bulletin 2012-11</i>	c. 176G § 4N <i>See c. 233 of the Acts of 2012; Bulletin 2012-11</i>
Hearing screening for newborns <i>Extraterritorial for M.G.L. c. 175</i>	c. 175 § 47C <i>(c. 111 § 67F)</i>	c. 176A § 8B; c. 176B §4C <i>(c. 111 § 67F)</i>	c. 176G § 4K <i>(c. 111 § 67F)</i>
HIV associated lipodystrophy treatment <i>Extraterritorial for M.G.L. c. 175 large-employer plans</i>	c. 175 §47II	c. 176A §8KK & c. 176B §4KK	c. 176G §4CC
Home health care	c. 175 § 110(K)	c. 176A § 8I	c. 176G § 4C
Hormone Replacement Therapy (HRT) <i>Extraterritorial</i>	c. 175 § 47W <i>See also Bulletin 02-09</i>	c. 176A § 8W; c. 176B § 4W <i>See also Bulletin 02-09</i>	c. 176G § 4O <i>See also Bulletin 02-09</i>
Hospice care	c. 175 § 47S (105 CMR 141.00)	c. 176A § 8R; c. 176B § 4Q (105 CMR 141.00)	c. 176G § 4L (105 CMR 141.00)
Human leukocyte antigen testing <i>Extraterritorial for M.G.L. c. 175 large-employer plans, and M.G.L. chs. 176A, B, and G</i>	c. 175 § 47V	c. 176A § 8V; c. 176B § 4V	c. 176G § 4Q

Hypodermic syringes or needles <i>Extraterritorial for M.G.L. c. 176A and B subscribers having principal place of employment within the Commonwealth</i>	c. 175 § 47Y	c. 176A § 8CC; c. 176B § 4CC	c. 176G § 4U
Infertility treatment <i>(does not apply to a diocese See St. 1987, c. 394, § 5 and St. 1993, c. 110, § 248) Extraterritorial for M.G.L. chs. 175 and 176G, extraterritorial for M.G.L. chs. 176A and B for group members with principal place of business in MA</i>	c. 175 § 47H (211 CMR 37.00)	c. 176A § 8K; c. 176B § 4J (211 CMR 37.00)	c. 176G § 4 (211 CMR 37.00)
Lead poisoning screening <i>Extraterritorial for M.G.L. c. 175 and M.G.L. c. 176G</i>	c. 175 § 47C	c. 176A § 8B; c. 176B § 4C	c. 176G § 4
Long term antibiotic therapy for the treatment of Lyme disease	c. 175 § 47HH	c. 176A § 8JJ & c. 176B § 4JJ	c. 176G, § 4BB, 4HH
Low protein food products for inherited amino acid and organic acid diseases (e.g. PKU)	c. 175 § 47I	c. 176A § 8L; c. 176B § 4K	c. 176G § 4D
Mammography <i>Extraterritorial for M.G.L. c. 175 large-employer plans, and M.G.L. c. 176G</i>	c. 175 §§ 47G (see also clinical trials under c. 175, § 110L)	c. 176A § 8J; 176B, § 4I	c. 176G § 4
Maternity health care (including minimum 48-hour maternity stay) <i>Extraterritorial for M.G.L. c. 175 large-employer plans, and M.G.L. c. 176G</i>	c. 175 § 47F (105 Mass.Reg. 130.660)	c. 176A § 8H; c. 176B § 4H (105 Mass.Reg. 130.660)	c. 176G §§ 4, 4I (105 Mass.Reg. 130.660)
Nonprescription enteral formulas	c. 175 § 47I	c. 176A § 8L; c. 176B § 4K	c. 176G § 4D
Off-label uses of prescription drugs to treat cancer	c. 175 §§ 47K, 47L	c. 176A § 8N; c. 176B § 4N	c. 176G § 4E
Off-label uses of prescription drugs to treat HIV/AIDS	c. 175 §§ 47O, 47P	c. 176A § 8Q; c. 176B § 4P	c. 176G § 4G

Oral Cancer Therapy	c. 175 § 47DD	c. 176A § 8FF; c. 176B § 4FF	c. 176G § 4X
PANS/PANDAS <i>Extraterritorial for M.G.L. chs. 175, 176A, and 176B</i>	c. 175 § 47NN	c. 176A § 8OO; c. 176B § 4OO	c. 176G § 4GG
Prescription Eye Drops	c. 175 § 47PP	c. 176A § 8QQ; c. 176B § 4QQ	c. 176G § 4II
Preventive care for children up to age six (including specific newborn testing) <i>Extraterritorial for M.G.L. c. 175 large-employer plans, and M.G.L. c. 176G</i>	c. 175 § 47C	c. 176A § 8B; c. 176B § 4C	c. 176G § 4
Prosthetic Devices <i>Extraterritorial for M.G.L. c.175 large-employer plans, and M.G.L. c. 176A</i>	c. 175 § 47Z	c. 176A § 8AA; c. 176B § 4AA	c. 176G § 4S
Scalp hair prostheses for cancer patients <i>Extraterritorial for M.G.L. c.175 large-employer plans</i>	c. 175 § 47T	c. 176A § 8T; c. 176B § 4R	c. 176G § 4J
Special medical formulas approved by commissioner of public health <i>Extraterritorial for M.G.L. c. 175 large-employer plans, and M.G.L. c. 176G</i>	c. 175 § 47C	c. 176A § 8B; c. 176B § 4C	c. 176G § 4
Speech, hearing and language disorders <i>Extraterritorial</i>	c. 175 § 47X	c. 176A § 8Y; c. 176B § 4Y	c. 176G § 4N
Telehealth <i>Extraterritorial for M.G.L. c. 175</i>	c. 175 § 47MM	c. 176A § 38; c. 176B § 25	c. 176G § 33
Tobacco cessation products <i>Extraterritorial for M.G.L. chs. 175 and 176G</i>	c. 175 § 47LL	c. 176A § 8NN; c. 176B § 4NN	c. 176G § 4FF

II. Providers

REGULATORY CITATIONS

(1) <u>Mandated coverage</u>	COMMERCIAL <u>INSURER</u>	BLUE CROSS AND <u>BLUE SHIELD</u>	<u>HMO</u>
Certified nurse midwives <i>Extraterritorial for M.G.L. c. 175</i>	c. 175 § 47E	c. 176B § 4G	n/a
Certified registered nurse anesthetists	c. 175 § 47Q	c. 176A § 8S; c. 176B § 4T	c. 176G § 4
Mental health providers: Licensed psychiatrists, psychologist, independent clinical social worker, mental health counselor, nurse mental health clinical specialist, a licensed alcohol and drug counselor, or marriage and family therapist within the lawful scope of practice for such therapist or a clinician practicing under the supervision of a licensed professional and working toward licensure in a clinic licensed under M.G.L c. 111. <i>Extraterritorial</i>	c. 175 § 47B	c. 176A § 8A; c. 176B § 4A	c. 176G § 4M
Nurse practitioners	c. 175 § 47Q	c. 176A § 8S; c. 176B § 4T	c. 176G § 4
(2) <u>Nondiscrimination</u> (re: providers)			
Chiropractors <i>Extraterritorial for M.G.L. c. 175</i>	c. 175 § 108D	c. 176B § 7 <i>see also “chiropractic services”, p. 1</i>	n/a
Dentists	c. 175 § 108B	c. 176B § 4	n/a
Nurse Midwives <i>Extraterritorial for M.G.L. c. 175</i>	c. 175 § 47E	c. 176B § 4G; c. 176B § 7 <i>see also “certified nurse midwives” above</i>	<i>see “certified nurse midwives” above</i>
Nurse Practitioners	c. 175 § 47Q; c. 176R	c. 176R	c. 176G § 4; c. 176R
Optometrists	c. 175 § 108(8)(D); c. 175, §110(F)	c. 176B § 4	n/a
Physician Assistants	c. 176S <i>See Section 216 of c. 224 of the Acts of 2012</i>	c. 176S <i>See Section 216 of c. 224 of the Acts of 2012</i>	c. 176S <i>See Section 216 of c. 224 of the Acts of 2012</i>
Podiatrists	c. 175 § 110(I)	c. 176B § 4	c. 176G § 1 (See definition for “nondiscriminatory”)

(3) Contracting

Good faith communication (a.k.a. “gag rule” prohibition) <i>See also c. 176I §2 for preferred provider arrangements</i>	c. 175 § 108(11); c. 175 § 110(M)	c. 176B § 7	c. 176G § 6
Pharmacy freedom of choice: any willing provider	c. 176D § 3B (211 CMR 44.00)	c. 176D § 3B (211 CMR 44.00)	c. 176D § 3B (211 CMR 44.00)
Provider protection re: 48/96-hour maternity stay	St. 1995, c. 218 § 9 (see also Bulletin 1996-02)	St. 1995, c. 218 § 9 (see also Bulletin 1996-02)	St. 1995, c. 218 § 9 (see also Bulletin 1996-02)
Prompt payment of claims <i>See also c. 176I § 2 for insured preferred provider plans</i>	c. 175 §§ 108(4)(c) and 110(G)	c. 176A § 8(e); c. 176B § 7	c. 176G § 6

III. Eligibility

REGULATORY CITATIONS

(1) Dependents

Dependent coverage:	c. 175 § 47C	c. 176A § 8B; c. 176B § 4C	c. 176G § 4
newborn infants			
children of dependents			
adopted children			
disabled adult			
<i>Extraterritorial for M.G.L. chs.</i>			
<i>175 and 176G</i>			

Eligibility as a Dependent	c. 175 § 108.2.(a)(3) c. 175 § 110(P)	c. 176A § 8BB; c. 176B § 4BB	c. 176G § 4T
----------------------------	--	------------------------------	--------------

(2) Nondiscrimination (*re: insureds*)

Blind or deaf persons	c. 175 § 108A	c. 176A § 8C; c. 176B § 4D	n/a
Diethylstilbestrol exposure	c. 175 § 108C	c. 176A § 8E; c. 176B § 4E	n/a
Victims of domestic abuse	c. 175 § 108G	c. 176A § 3A; c. 176B § 5A	c. 176G § 19
Genetic testing/genetic information: use prohibited in health insurance	c. 175 § 108H	c. 176A § 3B; c. 176B § 5B	c. 176G § 24
<i>See also c. 176I § 4A for insured preferred provider plans</i>			
Genetic testing/genetic information: limits on use for long-term care and disability income insurance	c. 175 § 108I	n/a	n/a

IV. Confidentiality

REGULATORY CITATIONS

Confidentiality of mental health information	c. 175 § 108E	c. 176A § 14B; c. 176B § 20	c. 176G §§ 4B, 4M
Insurance information and privacy protection	c. 175I	c. 175I	c. 175I

V. State-mandated**Continuation of Health Coverage****REGULATORY CITATIONS**

	<u>COMMERCIAL INSURER</u>	<u>BLUE CROSS AND BLUE SHIELD</u>	<u>HMO</u>
Continuation of Coverage			
(1) <u>Following Divorce or Separation</u>	c. 175 § 110I	c. 176A § 8F; c. 176B § 6B	c. 176G § 5A
(2) <u>Following Separation from Employment</u>			
Employee after termination due to plant closing or partial closing	c. 175 § 110D c. 175 § 110G	c. 176A § 8D; c. 176B § 6A	c. 176G § 4A
Group member after leaving insured group	c. 175 § 110D c. 175 § 110G	c. 176A § 8D; c. 176B § 6A	n/a
(3) <u>For small employer group (with 2-19 employees): Continuation of coverage provisions similar to COBRA</u>	c. 176J § 9	c. 176J § 9	c. 176J § 9
(4) <u>Disabled adult children</u>	c. 175 § 108 2(a)(3)	c. 176A § 8(d); c. 176B § 6(c)	n/a

VI. Other

Alternative dental coverage option	c. 175 § 110K	n/a	c. 176G § 11A
Coordination of benefits	211 CMR 38.00	211 CMR 38.00	211 CMR 38.00
Emergency services provided to insureds for emergency medical conditions <i>see also Bulletin 2000-14 and M.G.L. c. 176I §§ 1 and 3(b) for insured preferred provider plans</i>	M.G.L. c. 175 § 47U	M.G.L. c. 176A § 8U and M.G.L. c. 176B § 4U	M.G.L. c. 176G § 5
Prompt payment of claims <i>See also c. 176I § 2 for insured preferred provider plans</i>	c. 175 §§ 108 and 110	c. 176A § 8	c. 176G § 6