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**MASSACHUSETTS GENERAL LAWS**  
**Mandating that Certain Health Benefits Be Provided By**  
**Commercial Insurers, Blue Cross and Blue Shield and**  
**Health Maintenance Organizations**

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

**MASSACHUSETTS GENERAL LAWS**  
**Mandating that Certain Health Benefits Be Provided By**  
**Commercial Insurers, Blue Cross and Blue Shield and**  
**Health Maintenance Organizations**

**I. Services and supplies**

**REGULATORY CITATIONS**

	<b><u>COMMERCIAL INSURER</u></b>	<b><u>BLUE CROSS AND BLUE SHIELD</u></b>	<b><u>HMO</u><sup>1</sup></b>
Coverage for Autism	c. 175 § 47AA <i>See also Bulletin 2010-15</i>	c. 176A § 8DD; c. 176B § 4DD <i>See also Bulletin 2010-15</i>	c. 176G § 4V <i>See also Bulletin 2010-15</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	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, but see p. 3 on “nondiscrimination”	c. 176B § 4L	n/a
Cleft Palate and Cleft Lip	c. 175 § 47BB <i>See c. 234 of the Acts of 2012</i>	c. 176A § 8EE; c. 176B § 4EE <i>See c. 234 of the Acts of 2012</i>	c. 176G § 4W <i>See c. 234 of the Acts of 2012</i>
Clinical trials (to treat cancer)	c. 175 § 110L <i>See also Bulletin 02-13</i>	c. 176A § 8X; c. 176B § 4X <i>See also Bulletin 02-13</i>	c. 176G § 4P <i>See also Bulletin 02-13</i>
Contraceptive services	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>
Cytologic screening (Pap smear)	c. 175 §§ 47G and 110(L)	c. 176A § 8J	c. 176G § 4
Diabetes-related services and supplies	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	c. 175 § 47C	c. 176A § 8B; c. 176B § 4C	c. 176G § 4
Hearing Aids For Children	c. 175 § 47X(f) <i>See c. 233 of the Acts of 2012</i>	c. 176A § 8Y(f); c. 176B § 4EE <i>See c. 233 of the Acts of 2012</i>	c. 176G § 4N <i>See c. 233 of the Acts of 2012</i>
Hearing screening for newborns	c. 175 § 47C (c. 111 § 67F)	c. 176A § 8B; c. 176B § 4C (c. 111 § 67F)	c. 176G § 4K (c. 111 § 67F)

<sup>1</sup> In many cases, c.176G refers the reader to the citation listed in the commercial insurer column.

## **I. Services and supplies**

## **REGULATORY CITATIONS**

	<b>COMMERCIAL INSURER</b>	<b>BLUE CROSS AND BLUE SHIELD</b>	<b>HMO</b>
HIV Associated Lipodystrophy Treatment	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)	c. 175 § 47W <i>See also Bulletin 02-09</i>	c. 176A § 8KK; c. 176B § 4KK <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	c. 175 § 47V	c. 176A § 8V; c. 176B § 4V	c. 176G § 4N
Hypodermic syringes or needles	c. 175 § 47Y	c. 176A § 8CC; c. 176B § 4CC	c. 176G § 4U
Infertility treatment <i>(does not apply to a diocese)</i> <i>See St. 1987, c. 394, § 5 and</i> <i>St. 1993, c. 110, § 248</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	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
Low protein food products for inherited amino acid and organic acid diseases <i>(e.g. PKU)</i>	c. 175 § 47I	c. 176A § 8L; c. 176B § 4K	c. 176G § 4D
Mammography	c. 175 §§ 47G and 110(L)	c. 176A § 8J	c. 176G § 4
Maternity health care <i>(including minimum maternity stay)</i>	c. 175 § 47F (105 CMR 130.660)	c. 176A § 8H; c. 176B § 4H (105 CMR 130.660)	c. 176G §§ 4, 4I (105 CMR 130.660)

## I. Services and supplies

## REGULATORY CITATIONS

	<u>COMMERCIAL INSURER</u>	<u>BLUE CROSS AND BLUE SHIELD</u>	<u>HMO</u>
Mental health care <sup>2</sup>	c. 175 § 47B	c. 176A § 8A; c. 176B § 4A	c. 176G § 4M
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
Preventive care for children up to age six (including specific newborn testing)	c. 175 § 47C	c. 176A § 8B; c. 176B § 4C	c. 176G § 4
Prosthetic Devices	c. 175 § 47Z	c. 176A § 8AA; c. 176B § 4AA	c. 176G § 4S
Scalp hair prostheses for cancer patients	c. 175 § 47T	c. 176A § 8T; c. 176B § 4R	c. 176G § 4J
Special medical formulas approved by the commissioner of the department of public health	c. 175 § 47C	c. 176A § 8B; c. 176B § 4C	c. 176G § 4
Speech, hearing and language disorders	c. 175 § 47X	c. 176A § 8Y; c. 176B § 4Y	c. 176G § 4N

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<sup>2</sup> Mental health parity for certain biologically-based mental disorders is required for policies issued or renewed on or after January 1, 2001; Chapter 256 of the Acts of 2008 [applies to fully-insured health plans issued or renewed within or without the Commonwealth on or after July 1, 2009] amends M.G.L.c.175, §§47B and 108E; M.G.L. c.176A, §8A; M.G.L.c.176B, §4A; and M.G.L.c.176G, §§4B by adding **eating disorders, post traumatic stress disorders, substance abuse disorders [including the treatment of alcoholism] and autism** to the list of “biologically-based mental disorders” defined within these statutes. Chapter 256 makes no changes to the requirements for medically necessary services to be covered for the required biologically-based and non-biologically based mental health disorders.

## II. Providers

## REGULATORY CITATIONS

	<b>COMMERCIAL <u>INSURER</u></b>	<b>BLUE CROSS AND <u>BLUE SHIELD</u></b>	<b><u>HMO</u></b>
<b>(1) <u>Mandated coverage</u></b>			
Certified nurse midwives	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 I or marriage and family therapist within the lawful scope of practice for such therapist.	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
<b>(2) <u>Nondiscrimination</u> (re: providers)</b>			
Chiropractors	c. 175 § 108D	c. 176B § 7 see also “chiropractic services” - p. 1	n/a
Dentists	c. 175 § 108B	c. 176B § 4	n/a
Nurse Midwives	see “certified nurse midwives” above	c. 176B § 7 see also “certified nurse midwives” above	see “certified nurse midwives” above
Nurse Practitioners	c. 176R	c. 176R	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 “nondiscriminatory”)
<b>(3) <u>Contracting</u></b>			
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

## II. Providers (cont'd)

## REGULATORY CITATIONS

### (3) Contracting (cont'd)

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	St. 1995, c. 218 § 9	St. 1995, c. 218 § 9
Prompt payment of claims <i>See also c. 176I § 2 for insured preferred provider plans</i>	<i>See page 6 under "other"</i>	c. 176B § 7 <i>See also page 6 under "other"</i>	c. 176G § 6

## III. Eligibility

## REGULATORY CITATIONS

### (1) Dependents

Dependent coverage: newborn infants children of dependents adopted children <i>See also "Disabled Adult Children" under Section V</i>	c. 175 § 47C	c. 176A § 8B; c. 176B § 4C	c. 176G § 4
Eligibility as a Dependent <i>[See "Bulletin 2008-01"]</i>	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 <i>See also c. 176I §4A for insured preferred provider plans</i>	c. 175 § 108H	c. 176A § 3B; c. 176B § 5B	c. 176G § 24
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

*See also "Mental health care" on page 2, including footnote*

Insurance information and privacy protection

c. 175 § 108E

c. 176A § 8A½; c. 176B § 4B  
c. 176A § 14B; c. 176B § 20

c. 176G §§ 4B, 4M

c. 175I

c. 175I

c. 175I

## **V. State-mandated**

### **Continuation of Health Coverage**

#### **REGULATORY CITATIONS**

<b>Continuation of Coverage</b>	<b><u>COMMERCIAL INSURER</u></b>	<b><u>BLUE CROSS AND BLUE SHIELD</u></b>	<b><u>HMO</u></b>
<b>(1) <u>Following Divorce or Separation</u></b>	c. 175 § 110I	c. 176A § 8F; c. 176B § 6B	c. 176G § 5A
<b>(2) <u>Following Separation from Employment</u></b>			
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
<b>(3) <u>For small employer group (with 2-19 employees): Continuation of coverage provisions similar to COBRA</u></b>	c. 176J § 9	c. 176J § 9	c. 176J § 9
<b>(4) <u>Disabled adult children</u></b>	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 <i>See also page 4: "provider contracting"</i>	<i>See page 4: "provider contracting"</i>
Telemedicine Services	c. 175 § 47BB	n/a	n/a