
By: Delegates Goldwater, Bobo, Frush, Grosfeld, Kopp, Nathan-Pulliam, Petzold, Pitkin, Walkup, Cryor, and Pendergrass

Introduced and read first time: January 14, 1997

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Osteoporosis Prevention and Treatment Education Act**

3 FOR the purpose of requiring certain coverage for certain individuals for reimbursement
4 for a certain procedure used to identify bone mass or detect bone loss for the
5 prevention, diagnosis, and treatment of osteoporosis; requiring certain nonprofit
6 health service plans and health insurers to identify and use certain materials for
7 certain purposes; providing for the application of this Act; defining certain terms;
8 and generally relating to requiring certain health insurers to provide certain
9 coverage for certain individuals for a certain procedure used to identify bone mass
10 or detect bone loss for the prevention, diagnosis, and treatment of osteoporosis.

11 BY adding to

12 Article - Insurance
13 Section 15-822
14 Annotated Code of Maryland
15 (1995 Volume and 1996 Supplement)
16 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of
17 1997)

18 Preamble

19 WHEREAS, 25 million Americans are stricken with osteoporosis - a preventable
20 disorder that occurs most frequently among older people, causing loss of bone mass; and

21 WHEREAS, Experts estimate that, in the United States, one in two women and one
22 in five men will suffer a bone fracture because of osteoporosis; and

23 WHEREAS, Nationally, osteoporosis results in 1.5 million fractures of the hip,
24 spine, wrist, and other bones, with a cost of at least \$18 million in health care and
25 associated expenses; and

26 WHEREAS, Osteoporosis progresses silently and in most cases goes undiagnosed
27 until a fracture occurs; once a fracture occurs, the disease is already advanced, and the
28 likelihood is high that another fracture will occur; and

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1 WHEREAS, Because osteoporosis progresses silently and currently has no cure,
2 prevention, early diagnosis, and treatment are key to reducing the prevalence and
3 devastation of this disease; and

4 WHEREAS, Medical experts agree that osteoporosis is preventable and treatable,
5 however, once the disease progresses to the point of fracture its associated consequences
6 often lead to disability and institutionalization, and exact a heavy toll on quality of life;
7 and

8 WHEREAS, Given the current national focus on health care reform and reducing
9 unnecessary health care expenditures through the use of health promotion/disease
10 prevention programs, mandating coverage of services, such as bone mass measurement,
11 related to prevention, early diagnosis, and timely treatment of osteoporosis is a
12 cost-effective approach for states to embrace; and

13 WHEREAS, Bone mass measurement is a reliable way to detect the presence of low
14 bone mass and to ascertain the extent of bone loss to help assess an individual's risk for
15 fracture, and this aids in selecting appropriate therapies and interventions; and

16 WHEREAS, Ordinary X rays are not sensitive enough to detect osteoporosis until
17 25% to 40% of bone mass has been lost and the disease is far advanced; and

18 WHEREAS, Currently available technologies for bone mass measurement include:
19 single- and dual-photon absorptiometry, single- and dual-energy X-ray absorptiometry,
20 quantitative computed tomography, and radiographic absorptiometry; and

21 WHEREAS, Other technologies for measuring bone mass are under investigation
22 and may become scientifically proven technologies in the future; and

23 WHEREAS, Scientifically proven technologies for bone mass measurement and
24 other services related to the prevention, diagnosis, and treatment of osteoporosis can be
25 used effectively to reduce the pain and financial burden that osteoporosis inflicts upon its
26 victims; now, therefore,

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
28 MARYLAND, That the Laws of Maryland read as follows:

29 **Article - Insurance**

30 15-822.

31 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
32 INDICATED.

33 (2) "BONE MASS MEASUREMENT" MEANS A RADIOLOGIC OR
34 RADIOISOTOPIC PROCEDURE OR OTHER SCIENTIFICALLY PROVEN TECHNOLOGY
35 PERFORMED ON A QUALIFIED INDIVIDUAL FOR THE PURPOSE OF IDENTIFYING
36 BONE MASS OR DETECTING BONE LOSS.

37 (3) "QUALIFIED INDIVIDUAL" MEANS:

38 (I) AN ESTROGEN DEFICIENT WOMAN AT CLINICAL RISK FOR
39 OSTEOPOROSIS;

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1 (II) AN INDIVIDUAL WITH VERTEBRAL ABNORMALITIES;

2 (III) AN INDIVIDUAL RECEIVING LONG-TERM GLUCOCORTICOID
3 (STEROID) THERAPY;

4 (IV) AN INDIVIDUAL WITH PRIMARY HYPERPARATHYROIDISM; OR

5 (V) AN INDIVIDUAL BEING MONITORED TO ASSESS THE RESPONSE
6 TO OR EFFICACY OF AN APPROVED OSTEOPOROSIS DRUG THERAPY.

7 (B) THIS SECTION APPLIES TO:

8 (1) EACH INDIVIDUAL HOSPITAL OR MAJOR MEDICAL INSURANCE
9 POLICY OF AN INSURER THAT:

10 (I) 1. IS DELIVERED OR ISSUED FOR DELIVERY IN THE STATE;
11 OR

12 2. COVERS INDIVIDUALS WHO RESIDE AND WORK IN THE
13 STATE; AND

14 (II) IS WRITTEN ON AN EXPENSE-INCURRED BASIS;

15 (2) EACH GROUP OR BLANKET HEALTH INSURANCE POLICY OF AN
16 INSURER THAT:

17 (I) 1. IS ISSUED OR DELIVERED IN THE STATE; OR

18 2. COVERS INDIVIDUALS WHO RESIDE AND WORK IN THE
19 STATE; AND

20 (II) IS WRITTEN ON AN EXPENSE-INCURRED BASIS; AND

21 (3) EACH INDIVIDUAL OR GROUP MEDICAL OR MAJOR MEDICAL
22 CONTRACT OR CERTIFICATE OF A NONPROFIT HEALTH SERVICE PLAN THAT:

23 (I) IS ISSUED OR DELIVERED IN THE STATE; OR

24 (II) COVERS INDIVIDUALS WHO RESIDE AND WORK IN THE STATE.

25 (C) A POLICY, CONTRACT, OR CERTIFICATE SUBJECT TO THIS SECTION SHALL
26 INCLUDE COVERAGE FOR QUALIFIED INDIVIDUALS FOR REIMBURSEMENT FOR
27 BONE MASS MEASUREMENT FOR THE PREVENTION, DIAGNOSIS, AND TREATMENT
28 OF OSTEOPOROSIS.

29 (D) EACH ENTITY SUBJECT TO THIS SECTION SHALL IDENTIFY AND USE THE
30 MOST CURRENT AND SCIENTIFICALLY ACCURATE EDUCATIONAL MATERIALS TO:

31 (1) INCREASE AWARENESS AND KNOWLEDGE BY THEIR INSURED AND
32 QUALIFIED INDIVIDUALS OF OSTEOPOROSIS AND METHODS OF DIAGNOSING
33 OSTEOPOROSIS, INCLUDING BONE MASS MEASUREMENT; AND

34 (2) ENCOURAGE THE TREATMENT AND PREVENTION OF
35 OSTEOPOROSIS.

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1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to
2 policies, contracts, or certificates issued, delivered, or renewed on or after October 1,
3 1997.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 1997.