



**United Policyholders**  
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June 4, 2015

Commissioner Daniel R. Judson  
Commonwealth of Massachusetts  
Division of Insurance  
1000 Washington St, Suite 810  
Boston, MA 02118

Re: House No. 973 "An Act relative to greater fairness in insurance" - SUPPORT

#### Board of Directors

**Amy Bach**

Executive Director

**E. Gerard Mannion**

President, Board of Directors

**David Baria**

Mississippi State Representative

**Hon. Stanley G. Feldman**

Chief Justice (RET)  
AZ Supreme Court

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**William H. Hedden**

Consolidated Adjusting, Inc.

**Jim Jones**

Industry Ventures

**Brian S. Kabateck**

Kabateck Brown Kellner LLP

**Susan Piper**

Disaster Survivor

**Shirley Roberson**

Non-Profit Consultant

**Deborah Senn**

Insurance Commissioner (1993-2001)  
Washington State

**Alice J. Wolfson**

DL Law Group

**William M. Shernoff**

Shernoff Bidart Echeverria Bentley LLP  
Ex Officio

Dear Commissioner Judson,

"We" are writing to express our strong support for House No. 973 (Senate No. 506) prohibiting discretionary clauses in annuity products, life, health, accident, long term care and disability insurance policies and urge you and your agency to support this important piece of legislation. Thank you in advance for your time and consideration of our position: This bill would bring Massachusetts in line with Texas, California and other states that prohibit insurers from engaging in the unfair practice of inserting language in their products that give themselves authority to override a treating doctor's views and interpret their own policy terms as to whether or not an insured is entitled to benefits.

Discretionary clauses have great legal significance because they serve to nullify bargained-for contract provisions, they create an illusory contract, and they defeat insureds reasonable expectations of coverage. They place an unfair burden on insureds and insurers use them as a legal shield to escape responsibility for denying covered claims.

"We" are United Policyholders, ("UP") is a non-profit 501(c)3 organization founded in 1991 that is a voice and an information resource for insurance consumers in all 50 states. Through an *Advocacy and Action* program, UP advocates for policyholders legal rights by filing *amicus curiae* briefs and working with elected officials in legislative and regulatory proceedings, including the National Association of Insurance Commissioners. Through the *Roadmap to Recovery™* program, UP gives individuals and businesses free tools and resources to help solve insurance problems that can arise after a disaster, accident, loss, illness, or other adverse event. Through the *Roadmap to Preparedness* program, UP promotes disaster preparedness and insurance literacy through outreach and education in partnership with civic, faith based, business and other non-profit associations.

United Policyholders strongly urges you to **SUPPORT** House No. 973

Sincerely,

Amy Bach, Esq.,  
Executive Director

#### Programs

*Advocacy in Action*

*Roadmap to Preparedness™*

*Roadmap to Recovery™*