

**HOUSE . . . . . No. 2351**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act Regulating Appeals under the Group Insurance Commission..

*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. Chapter 32A of the General Laws is hereby by amended, at the end thereof,  
2 the following new section:-

3           Section 17J. Any person who is dispensed a non-formulary or non-preferred brand name  
4 prescription drug, as determined under a pharmaceutical drug program established by the  
5 commission or through a pharmacy benefit manager contracted by the commission, may appeal  
6 that determination to the commission, and upon the submission of a statement by the person's  
7 physician that, due to a medical necessity, only the non-formulary or non-preferred brand name  
8 prescription drug can be dispensed, the person shall pay for the drug at the same rate required for  
9 the formulary or preferred brand name prescription drugs under such pharmaceutical drug  
10 program.