

**SENATE . . . . . No. 1025**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act further 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 inserting the  
2 following section:- Section 17J. Any person, who is dispensed a non-formulary or non-preferred  
3 brand name prescription drug, as determined under a pharmaceutical drug program established  
4 by the commission or through a pharmacy benefit manager contracted by the commission, may  
5 appeal that determination to the commission; and upon the submission of a statement by the  
6 person’s physician that, due to a medical necessity, only the non-formulary, or non-preferred  
7 brand name prescription drug can be dispensed, the person shall pay for the drug at the same rate  
8 required for the formulary or preferred brand name prescription drugs under such pharmaceutical  
9 drug program.