

SENATE No. 2099

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act ensuring continuity of care for patients taking prescription medicines..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Notwithstanding the provisions of any general or special law, regulation or requirement
2 to the contrary, a health insurance policy or health care service plan contract, that covers
3 prescription drugs shall not limit, reduce, or deny coverage for any drug, if prior to the limitation,
4 reduction, or denial of coverage:

- 5 (1) the insured was using the drug;
- 6 (2) the insured was covered under the policy or contract; and
- 7 (3) the drug was covered under the policy or contract.

8 A limitation, reduction, or denial of coverage includes removing a drug from the
9 formulary or other drug list, imposing new prior authorization or other utilization management
10 tools, or placing the drug on a formulary tier that increases the patient's cost sharing obligations
11 or otherwise increases the patient's cost sharing obligations.

12 Nothing in this provision shall prohibit an insurer from making uniform changes in its
13 benefit design that applies to all covered drugs or from increasing cost-sharing obligations

- 14 merely due to a percentage coinsurance payment that necessarily increases with an increase in
- 15 the underlying drug prices.