

SENATE No. 329

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act regarding continuity of prescription drug coverage.

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 amended by inserting after
2 section 17I the following section:- Section 17J. In providing coverage for an insured who was
3 previously insured by a separate policy of insurance, the commission shall provide coverage of
4 each specific prescription medication being prescribed to said insured as of the initial date of the
5 insured’s coverage under the policy that is equal to the most favorable coverage rate for any
6 prescription medication under the policy.

7 SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after
8 section 47Z the following section:- Section 47AA. Any blanket or general policy of insurance,
9 except a blanket or general policy of insurance which provides supplemental coverage to
10 Medicare or other governmental programs, described in subdivision (A), (C) or (D) of section
11 110 which provides hospital expense and surgical expense insurance and which is issued or
12 subsequently renewed by agreement between the insurer and the policy holder, within or without
13 the commonwealth, during the period this section is effective, or any policy of accident or
14 sickness insurance as described in section 108 which provides hospital expense and surgical

15 expense insurance, except a policy which provides supplemental coverage to Medicare or other
16 governmental programs, and which is delivered or issued for delivery or subsequently renewed
17 by agreement between the insurer and the policy holder in the commonwealth, during the period
18 that this section is effective, or any employees' health and welfare fund which provides hospital
19 expense and surgical expense benefits and which is promulgated or renewed to any person or
20 group of persons in the commonwealth, while this section is effective, in providing coverage for
21 an insured who was previously insured by a separate policy of insurance, shall provide coverage
22 of each specific prescription medication being prescribed to said insured as of the initial date of
23 the insured's coverage under the policy that is equal to the most favorable coverage rate for any
24 prescription medication under the policy.

25 SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after
26 section 8AA the following section:- Section 8BB. A contract between a subscriber and the
27 corporation under an individual or group hospital service plan which provides hospital expense
28 and surgical expense insurance, except contracts providing supplemental coverage to Medicare
29 or other governmental programs, delivered, issued or renewed by agreement between the insurer
30 and the policyholder, within or without the commonwealth, shall provide to all individual
31 subscribers and members within the commonwealth who were previously insured by a separated
32 policy of insurance and to all group members having a principal place of employment within the
33 commonwealth and who were previously insured by a separated policy of insurance, coverage of
34 each specific prescription medication being prescribed to said subscribers and members as of the
35 initial date of said subscribers' and members' coverage under the policy that is equal to the most
36 favorable coverage rate for any prescription medication under the policy.

37 SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after
38 section 4AA the following section:- Section 4BB. (a) Any subscription certificate under an
39 individual or group medical service agreement, except certificates which provide supplemental
40 coverage to Medicare or other governmental programs that shall be delivered, issued or renewed
41 within the commonwealth shall provide, as benefits to all individual subscribers or members
42 within the commonwealth who were previously insured by a separate policy of insurance and to
43 all group members having a principal place of employment within the commonwealth and who
44 were previously insured by a separate policy of insurance, coverage of each specific prescription
45 medication being prescribed to said subscribers and members as of the initial date of the
46 subscribers' and members' coverage under the policy that is equal to the most favorable
47 coverage rate for any prescription medication under the policy.

48 SECTION 5. Chapter 176G of the General Laws is hereby amended by inserting after
49 section 4S the following section:- Section 4T. (a) In providing coverage for an insured who was
50 previously insured by a separate policy of insurance, individual and group health maintenance
51 contracts shall provide coverage of each specific prescription medication being prescribed to said
52 insured as of the initial date of the insured's coverage under the policy that is equal to the most
53 favorable coverage rate for any prescription medication under the policy.

54 SECTION 6. This act shall apply to all policies, contracts, agreements, plans or
55 certificates of insurance issued or delivered within the commonwealth on or after January 1,
56 2009, or upon renewal to all policies, contracts, agreements, plans or certificates of insurance in
57 effect before January 1, 2009.