

# SENATE . . . . . No. 454

---

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the Year Two Thousand Nine  
\_\_\_\_\_

An Act relative to health care in the commonwealth..

*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 10 of Chapter 176O of the General Laws is hereby amended by adding the  
2 following subsection:-

3           (d) No contract between a carrier, including a dental or vision carrier, as a participating  
4 provider shall include any incentive plan that includes specific payment to the participating  
5 provider as an inducement to change a prescription for a drug or medical product issued to a  
6 covered person from one specific drug or medical product to another. Nothing in this subsection  
7 shall prohibit incentive plans that (1) do not make reference to any specific prescription drug or  
8 medical product and (2) comply with the provisions of subsection (b). The commissioner may  
9 impose a fine of up to \$10,000 per violation of this subsection