

**HOUSE . . . . . No. 2365**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Louis L. Kafka*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act to improve the safety of prescriptions.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>	<i>1/21/2011</i>
<i>George T. Ross</i>	<i>2nd Bristol</i>	<i>2/1/2011</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>	<i>2/1/2011</i>
<i>James E. Timilty</i>		<i>1/25/2011</i>

**HOUSE . . . . . No. 2365**

By Mr. Kafka of Stoughton, a petition (accompanied by bill, House, No. 2365) of Louis L. Kafka and others for legislation to establish certain drug formularies to improve the safety of prescriptions. Public Health.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Eleven**

An Act to improve the safety of prescriptions.

*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. Notwithstanding any general or special law to the contrary, Chapter 94C of  
2 the General Laws, as appearing in the 2008 Official Edition is hereby amended by inserting after  
3 Section 18 the following section:-

4 Section 18A. (a) As used in this section the following words shall, unless the context  
5 clearly requires otherwise, have the following meanings:-

6 "Certified Electronic Health Record", the health record that meets the requirements of a  
7 "qualified HER" and has been tested in accordance with the certification program established by  
8 the Office of the National Coordinator

9 "Commissioner", the commissioner of the Department of Public Health

10 "E-prescribing", a transmission using electronic media of prescription or prescription-  
11 related information between a prescriber, dispenser, pharmacy benefit manager, or group  
12 purchaser, either directly or through an intermediary, including an e-prescribing network.

13 "E-prescribing system", a system that provides for electronic prescribing in accordance  
14 with the Code of Federal Regulations title 42, part 423.

15 "Practitioner", a physician, dentist, nurse or other person duly authorized by law in the  
16 state in which they have the authority to prescribe drugs.

17 "Qualified EHR", an electronic record of health-related information on an individual that:

18 (i) Includes patient demographic and clinical health information, such as medical history and  
19 problem lists; and (ii) Has the capacity: (a) To provide clinical decision support; (b) To support  
20 physician order entry; (c) To capture and query information relevant to health care quality; and  
21 (d) To exchange electronic health information with, and integrate such information from other  
22 resources.

23 (b) All practitioners involved in patient care shall establish and maintain an e-prescribing  
24 system as defined herein, by January 1, 2013, and have access to an e-prescribing in the  
25 location(s) where they practice; provided, however, if such a system is established in a licensed  
26 health care facility where the practitioner prescribes, the requirement of this section shall not  
27 apply.

28 The commissioner is authorized to promulgate rules and regulations in order to carry out  
29 the provisions of this section.

30 (c) Health insurers shall establish and maintain by January 1, 2013, drug formularies for  
31 Commonwealth subscribers in a standardized format for certified electronic health records and e-  
32 prescribing software to download for providers to access and at no cost to providers and  
33 electronic health record or e-prescribing vendors.

SECTION 2. This act shall take effect upon passage.