

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Alan Silvia

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 relative to prescription drugs for MassHealth enrollees.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-----------------------------|-----------------------------------|------------------|
| <i>Alan Silvia</i> | <i>7th Bristol</i> | <i>11/4/2013</i> |
| <i>Angelo M. Scaccia</i> | <i>14th Suffolk</i> | |
| <i>Michael J. Rodrigues</i> | <i>First Bristol and Plymouth</i> | |
| <i>Colleen M. Garry</i> | <i>36th Middlesex</i> | |
| <i>Carole Fiola</i> | <i>6th Bristol</i> | |
| <i>Bruce E. Tarr</i> | <i>First Essex and Middlesex</i> | |
| <i>Patricia A. Haddad</i> | <i>5th Bristol</i> | |
| <i>Paul A. Schmid, III</i> | <i>8th Bristol</i> | |

HOUSE No.

By Mr. Silvia of Fall River, a petition (subject to Joint Rule 12) of Alan Silvia and others relative to prescription drugs for MassHealth enrollees. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to prescription drugs for MassHealth enrollees.

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

1 An Act relative to prescription drugs for MassHealth enrollees

2 SECTION 1. Section 1 of chapter 94C of the General Laws is hereby amended by
3 inserting after the definition of “Immediate precursor”, as appearing in the 2012 Official Edition,
4 the following definition:-

5 “Intractable pain”, a pain state in which the cause cannot be removed or otherwise treated
6 and for which no relief or cure has been found.

7 SECTION 2. Said section 1 of said chapter 94C is hereby further amended by inserting
8 after the definition of “Oral prescription”, as so appearing, the following definition:-

9 “Palliative care”, health care treatment, including end-of-life care, to prevent or relieve
10 pain and suffering and to enhance the patient's quality of life.

11 SECTION 3. Section 19 of said chapter 94C, as so appearing, is hereby amended by
12 adding the following subsection:-

13 (e) Notwithstanding subsection (a), a prescription for a controlled substance in Schedule
14 II for use by a MassHealth enrollee shall not be issued by a practitioner unless the practitioner
15 conducts a physical or mental health examination prior to the issuance; provided, however, this
16 subsection shall not apply to prescriptions for a controlled substance in Schedule II issued for
17 palliative care or to treat intractable pain.

18 SECTION 4. Section 23 of said chapter 94C, as so appearing, is hereby amended by
19 striking out subsection (d) and inserting in place thereof the following subsection:-

20 (d) In the case of a controlled substance in Schedule II or III, except those substances in
21 Schedule II being prescribed for use by a MassHealth enrollee, no prescription shall be filled for
22 more than a 30-day supply of the substance upon any single filling; provided, however, that with
23 regard to dextro amphetamine sulphate and methyl phenidate hydrochloride, a prescription may
24 be filled for up to a 60-day supply of the substance upon any single filling if the substance is
25 being used for the treatment of minimal brain dysfunction or narcolepsy; provided further, that
26 subject to regulations of the department and the board of pharmacy, prescriptions for implantable
27 infusion pumps consisting of Schedule II or Schedule III controlled substances may be filled for
28 a maximum of 90 days.

29 In the case of a controlled substance in Schedule II being prescribed for use by a
30 MassHealth enrollee, no prescription shall be filled for more than a 15-day supply of the
31 substance upon any single filling; provided, however, that with regard to dextro amphetamine
32 sulphate and methyl phenidate hydrochloride, a prescription may be filled for up to a 30-day
33 supply of the substance upon any single filling if the substance is being used for the treatment of
34 minimal brain dysfunction or narcolepsy; provided further, that subject to regulations of the
35 department and the board of pharmacy, prescriptions for implantable infusion pumps consisting
36 of Schedule II controlled substances may be filled for a maximum of 90 days; provided further,
37 that a prescription may be filled for up to a 30-day supply upon any single filling if the substance
38 is being used for palliative care or to treat intractable pain.

39 SECTION 5. Said section 23 of said chapter 94C, as so appearing, is hereby further
40 amended by striking out subsection (f) and inserting in place thereof the following subsection:-

41 (f) No prescription for a controlled substance shall be refilled unless the original
42 prescription provides for the refilling and unless the number of refills has been specified in the
43 prescription; provided, however, no prescription for a controlled substance in Schedule II, except
44 those being prescribed for palliative care or to treat intractable pain, shall be refilled for use by
45 any MassHealth enrollee even if the original prescription provides for a refilling.