SENATE DOCKET, NO. 825 FILED ON: 1/17/2013

SENATE . . . . . No. 439

The Commonwealth of Massachusetts

PRESENTED BY:

Barry R. Finegold

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 patient medication adherence.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Barry R. Finegold	*Second Essex and Middlesex*
Karen E. Spilka	*Second Middlesex and Norfolk*

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SENATE . . . . . No. 439

By Mr. Finegold, a petition (accompanied by bill, Senate, No. 439) of Barry R. Finegold and Karen E. Spilka for legislation relative to patient medication adherence. Financial Services.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to patient medication adherence.

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

SECTION 1. Section 16 of chapter 176O of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in line 21, the words “and (iv)” and inserting in place thereof the following:- “(iv) adherent to United States Food and Drug Administration prescription drug labeling; and (v)”

SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after section 47BB the following two sections:-

Section 47CC. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Step-therapy", protocols that establish the specific sequence in which prescription drugs for a specified medical condition are to be prescribed.

(b) Any policy, contract, agreement, plan or certificate of insurance issued, delivered or renewed within the commonwealth that provides coverage for prescription drugs and uses step-therapy protocols shall: (1) not require failure on the same medication on more than 1 occasion for continuously enrolled subscribers; and (2) collect a copayment no greater than the lowest cost copayment for preferred drugs in the same class from an enrollee having satisfied step-therapy protocol requirements, as judged by the prescribing healthcare provider. Nothing in this section shall be construed to prevent the use of tiered copayments for enrollees not subject to the step-therapy requirements set forth in this section.

SECTION 3. Chapter 176A of the General Laws is hereby amended by inserted after section 8EE the following section:-

21 Section 8FF. (a) As used in this section the following words shall, unless the context
22 clearly requires otherwise, have the following meanings:-

23 “Step-therapy", protocols that establish the specific sequence in which prescription drugs
24 for a specified medical condition are to be prescribed.

25 (b) Any contract between a subscriber and the corporation under an individual or group
26 hospital service plan which is delivered, issued or renewed within the commonwealth that
27 provides coverage for prescription drugs and uses step-therapy protocols shall: (1) not require
28 failure on the same medication on more than 1 occasion for continuously enrolled subscribers;
29 and (2) collect a copayment no greater than the lowest cost copayment for preferred drugs in the
30 same class from an enrollee having satisfied step-therapy protocol requirements, as judged by the
31 prescribing healthcare provider. Nothing in this section shall be construed to prevent the use of
32 tiered copayments for enrollees not subject to the step-therapy requirements set forth in this
33 section.

34 SECTION 4. Chapter 176B of the General Laws is hereby amended by inserted after
35 section 4EE the following section:-

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

38 “Step-therapy", protocols that establish the specific sequence in which prescription drugs
39 for a specified medical condition are to be prescribed.

40 (b) Any subscription certificate under an individual or group medical service agreement
41 delivered, issued or renewed within the commonwealth that provides coverage for prescription
42 drugs and uses step-therapy protocols shall: (1) not require failure on the same medication on
43 more than 1 occasion for continuously enrolled subscribers; and (2) collect a copayment no
44 greater than the lowest cost copayment for preferred drugs in the same class from an enrollee
45 having satisfied step-therapy protocol requirements, as judged by the prescribing healthcare
46 provider. Nothing in this subsection shall be construed to prevent the use of tiered copayments
47 for enrollees not subject to the step-therapy requirements set forth in this subsection.

48 SECTION 5. Chapter 176G of the General Laws is hereby amended by inserted after
49 section 4W the following section:-

50 Section 4X. (a) As used in this section the following words shall, unless the context
51 clearly requires otherwise, have the following meanings:—

52 “Step-therapy", protocols that establish the specific sequence in which prescription drugs
53 for a specified medical condition are to be prescribed.

54 (b) Any individual or group health maintenance that provides coverage for prescription
55 drugs and uses step-therapy protocols shall: (1) not require failure on the same medication on
56 more than 1 occasion for continuously enrolled subscribers; and (2) collect a copayment no
57 greater than the lowest cost copayment for preferred drugs in the same class from an enrollee
58 having satisfied step-therapy protocol requirements, as judged by the prescribing healthcare
59 provider. Nothing in this section shall be construed to prevent the use of tiered copayments for
60 enrollees not subject to the step-therapy requirements set forth in this section.

61 SECTION 6. Sections 2 to 6, inclusive, shall apply to all policies, contracts and
62 certificates of health insurance subject to section 17K of chapter 32A, section 47CC of chapter
63 175, section 8FF of chapter 176A, section 4FF of chapter 176B and section 4X of chapter 176G
64 of the General Laws which are delivered, issued or renewed on or after January 1, 2014.