

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Brian A. Joyce, (BY REQUEST)

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 preserving pharmacy jobs in Massachusetts.

PETITION OF:

NAME:

Michael Saija

DISTRICT/ADDRESS:

230 Mansfield Street Sharon, MA 02067

SENATE No.

By Mr. Joyce (by request), a petition (subject to Joint Rule 12) of Michael Saija for legislation to preserve pharmacy jobs in Massachusetts. Health Care Financing.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to preserving pharmacy jobs in Massachusetts.

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 118G of the of the General Laws, as appearing in the 2010 official
2 edition, is hereby amended by inserting after section 41 the following section:-

3 Section 42. (a) For the purposes of this section, the following words shall have the
4 following meanings:-

5 “PBM Pharmacy benefit manager,” an entity that processes prescription claims for
6 pharmacies in real time and pays the retail pharmacy a PBM may also process and fill mail
7 order prescriptions to send directly to patients. The PBM is a go-between from the patients
8 insurance company and the pharmacy the patient has chosen to fill their medication prescription.

9 “Co-pay,” the amount paid by a patient or the patients representative for any particular
10 prescription either at retail or by mail order.

11 “Specialty drug,” a medication that requires special dispensing pharmacies to dispense as
12 determined by the drug manufacturer or a medication determined by a PBM to require a
13 specialty pharmacy to dispense.

14 “Prior Approval,” a process in which the PBM is contacted by the patients prescriber of
15 medication to get an approval in order for the medication to be paid for by the PBM.

16 (b) All persons residing in Massachusetts (including those insured under the State GIC)
17 may choose to have their prescription for medication filled at the pharmacy of their choice within
18 Massachusetts. The patient may choose to utilize the PBM or the local pharmacy at the same
19 terms and Co-pay.

20 (c) The Massachusetts Board of Registration in Pharmacy shall be directed to register any
21 PBM or other mail pharmacy or pharmacies under Massachusetts laws and regulations which
22 ships 5% or more of its medication orders either via the mail or other common carriers into
23 Massachusetts.

24 (d) When the outside temperatures in Massachusetts are predicted to range outside of the
25 range as specified by a particular medications' manufacturer for 48 hours or more the PBM must
26 contact the patient and request the name and number of a local pharmacy in which the patient
27 may obtain enough of their medication locally to cover for the time period involved until the
28 shipping of the patients medication can resume. The PBM will contact the local pharmacy and
29 arrange for the emergency supply to be dispensed at the expense of the PBM. The Co-pay to be
30 charged if any shall be pro-rated for the amount of medication that will be dispensed based on
31 the patients' original Co-pay for the prescription that would have been sent as mentioned above
32 in this section.

33 (e) Medications requiring Prior Approval shall be given at least a one-time override at the
34 request of the Retail pharmacy in order for continuity of care to be provided to the patient. The
35 PBM will then contact the prescriber of the medication to arrange for either continued dispensing
36 of the same medication or a change to the preferred medication of the PBM. Federal regulations
37 for Medicare D prescriptions shall not be affected by this provision and the Medicare D
38 "Transitional Supply".

39 (f) Prescriptions for Specialty Drugs may not be blocked from being filled at the
40 pharmacy of the patients' choice unless required to be done so by the particular Specialty drug's
41 manufacturer.