

SENATE No. 1099

The Commonwealth of Massachusetts

PRESENTED BY:

John F. Keenan

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 choice to promote prescription safety.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	<i>1/27/2017</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>2/1/2017</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>	<i>2/1/2017</i>

SENATE No. 1099

By Mr. Keenan, a petition (accompanied by bill, Senate, No. 1099) of John F. Keenan, James M. Cantwell, William Smitty Pignatelli and Mathew Muratore for legislation relative to patient choice to promote prescription safety. Mental Health, Substance Use and Recovery.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to patient choice to promote prescription safety.

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. Section 18 of said chapter 94C is hereby amended by striking subsection
2 (d³/₄) as inserted by section 21 of chapter 52 of the acts of 2016, and inserting in place thereof the
3 following subsection:-

4 (d³/₄) A registered pharmacist filling a prescription for an opioid substance in schedule II
5 of section 3 shall, if requested by the patient, dispense the prescribed substance in a lesser
6 quantity than indicated on the prescription. Within a reasonable time following a reduction in
7 quantity, but not to exceed 7 days, the pharmacist or a designee shall notify the prescribing
8 practitioner of the reduction and of the amount actually dispensed. The notification shall be
9 conveyed by a notation in the interoperable electronic health record of the patient as defined by
10 section 1 of chapter 118I or, if the pharmacist does not have the ability to make a notation in the
11 patient’s interoperable electronic health record, by facsimile or electronic transmission to the
12 prescribing practitioner. A prescription filled in a lesser quantity pursuant to this subsection shall

13 be considered a partial fill and the remaining portion may be filled according to federal
14 regulations applicable to partially filled prescriptions; provided, however, that the fill of the
15 remaining portion shall occur at the pharmacy that initially dispensed the partial fill. Nothing in
16 this subsection shall be interpreted to conflict with or supersede any other requirement
17 established in this section for a prescription of a narcotic substance or any requirements or
18 conditions for drug substitutions established in chapter 112.

19 SECTION 2. The second paragraph of section 21A of said chapter 94C, as appearing in
20 the 2014 Official Edition, is hereby amended by adding the following sentence:- A pharmacist or
21 a pharmacist's designee shall notify any person who presents for filling a prescription for an
22 opiate contained in schedule II of section 3 that the person may choose to receive a lesser
23 quantity of the prescribed substance than the quantity indicated on the prescription in accordance
24 with subsection (d3/4) of section 18.

25 SECTION 3. Section 22 of said chapter 94C, as amended by chapter 52 of the acts of
26 2016, is hereby further amended by striking, in subsection (c), the words "recommended full
27 quantity indicated" and inserting in place thereof the words:- "full prescribed quantity"

28 SECTION 4. Chapter 175 of the General Laws, as amended by chapter 233 of the acts of
29 2016, is hereby amended by inserting after section 47II the following section:-

30 Section 47JJ. Any policy, contract, agreement, plan or certificate of insurance issued,
31 delivered or renewed within the commonwealth, which is considered creditable coverage under
32 section 1 of chapter 111M, shall provide, for any covered drug that is a narcotic substance
33 contained in schedule II of section 3 of chapter 94C and that is subject to cost sharing, a schedule

34 that allows for adjustments and reductions in the cost sharing when a person requests a
35 prescription filled in a lesser quantity pursuant to section 18 of said chapter 94C.

36 SECTION 5. Chapter 176A of the General Laws, as amended by chapter 233 of the acts
37 of 2016, is hereby amended by inserting after section 8KK the following section:-

38 Section 8LL. Any contract between a subscriber and the corporation under an individual
39 or group hospital service plan which is delivered, issued or renewed within the commonwealth
40 shall provide, for any covered drug that is a narcotic substance contained in schedule II of
41 section 3 of chapter 94C and that is subject to cost sharing, a schedule that allows for
42 adjustments and reductions in the cost sharing when a person requests a prescription filled in a
43 lesser quantity pursuant to section 18 of said chapter 94C.

44 SECTION 6. Chapter 176B of the General Laws, as amended by chapter 233 of the acts
45 of 2016, is hereby amended by inserting after section 4KK the following section:-

46 Section 4LL. Any subscription certificate under an individual or group medical service
47 agreement delivered, issued or renewed within the commonwealth shall provide, for any covered
48 drug that is a narcotic substance contained in schedule II of section 3 of chapter 94C and that is
49 subject to cost sharing, a schedule that allows for adjustments and reductions in the cost sharing
50 when a person requests a prescription filled in a lesser quantity pursuant to section 18 of said
51 chapter 94C.

52 SECTION 7. Chapter 176G of the General Laws, as amended by chapter 233 of the acts
53 of 2016, is hereby amended by inserting after section 4CC the following section:-

54 Section 4DD. An individual or group health maintenance contract that is issued or
55 renewed shall provide, for any covered drug that is a narcotic substance contained in schedule II
56 of section 3 of chapter 94C and that is subject to cost sharing, a schedule that allows for
57 adjustments and reductions in the cost sharing when a person requests a prescription filled in a
58 lesser quantity pursuant to section 18 of said chapter 94C.