

HOUSE No. 3840

The Commonwealth of Massachusetts

PRESENTED BY:

Paul McMurtry and Michael F. Rush

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 specialty pharmacies.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>1/17/2019</i>
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	<i>5/30/2019</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>5/28/2019</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>5/28/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>5/28/2019</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>5/29/2019</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>5/29/2019</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>	<i>5/29/2019</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>5/30/2019</i>
<i>Stephan Hay</i>	<i>3rd Worcester</i>	<i>5/30/2019</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>5/30/2019</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>5/31/2019</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>5/31/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>5/31/2019</i>

HOUSE No. 3840

By Representative McMurtry of Dedham and Senator Rush, a joint petition (accompanied by bill, House, No. 3840) of Paul McMurtry, Michael F. Rush and others relative to licensure for specialty practice pharmacies. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to specialty pharmacies.

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 39 of chapter 112, as appearing in the 2016 Official Edition, is
2 hereby amended by striking out, in line 28, the figure “39J” and inserting in place thereof the
3 following figure:- 39K.

4 SECTION 2. Chapter 112 of the General Laws is hereby amended by inserting after
5 section 39J the following section:-

6 39K. The board may, upon application made in such a manner and form as it shall
7 determine, register an establishment within a specialty medical practice for transacting business
8 as a specialty practice pharmacy, and issue to such entity as it deems qualified a permit to
9 operate. A specialty practice pharmacy shall be considered a retail pharmacy. The board may
10 deny such registration and refuse to issue such permit, if, in its reasonable discretion, such entity
11 would be inconsistent with or opposed to the best interests of the public health, welfare or safety,
12 but no such registration shall be made or permit issued in the case of a corporation, as defined in

13 section 30 of chapter 63 unless it shall appear to the satisfaction of the board that the
14 management of such entity is controlled solely by a registered pharmacist. Such permit shall
15 expire on December 31 of each uneven numbered year following the date of its issue, and the fee
16 therefore, shall be determined annually by the commissioner of administration under section 3B
17 of chapter 7. The board, in consultation with the department of public health, shall promulgate
18 regulations pertaining to the operation of specialty practice pharmacies in the commonwealth
19 subject to section 2 of chapter 30A. Said board shall determine which regulations, applicable to a
20 retail drug business under section 39, shall apply to specialty practice pharmacies; provided, that
21 a specialty practice pharmacy operated pursuant to this section shall employ at least 1 pharmacy
22 technician and a supervising pharmacist who shall oversee the operation of the specialty practice
23 pharmacy and review the operation in person at least once per week.

24 The board shall, within 150 days after the filing of an application, render a final decision
25 denying or allowing registration as a specialty practice pharmacy pursuant to this section. Failure
26 to render such decision, except when such failure to act is caused by the delay of the applicant,
27 shall constitute an approval of the application and permit shall be issued. For the purposes of this
28 section, the term specialty practice pharmacy shall mean a pharmacy which dispenses
29 pharmaceuticals ordered by physicians within the specialty medical practice operating the
30 pharmacy to patients of said physicians, within the scope of the practice.