

**HOUSE . . . . . No. 959**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Shawn Dooley*

*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 requiring continual coverage of prescription medication.**

PETITION OF:

| NAME:                           | DISTRICT/ADDRESS:     | DATE ADDED:      |
|---------------------------------|-----------------------|------------------|
| <i>Shawn Dooley</i>             | <i>9th Norfolk</i>    | <i>1/10/2019</i> |
| <i>Carmine Lawrence Gentile</i> | <i>13th Middlesex</i> | <i>1/21/2019</i> |
| <i>Michael J. Soter</i>         | <i>8th Worcester</i>  | <i>1/27/2019</i> |

**HOUSE . . . . . No. 959**

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By Mr. Dooley of Norfolk, a petition (accompanied by bill, House, No. 959) of Shawn Dooley, Carmine Lawrence Gentile and Michael J. Soter relative to continual insurance coverage of certain prescription medications. Financial Services.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2952 OF 2017-2018.]

**The Commonwealth of Massachusetts**

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

An Act requiring continual coverage of prescription medication.

*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 32A of the General Laws is hereby amended by inserting after  
2 section 17O, inserted by section 1 of chapter 233 of the acts of 2016, the following section:-

3 Section 17P. Any coverage offered by the commission to an active or retired employee of  
4 the commonwealth insured under the group insurance commission shall provide coverage for any  
5 prescription medication previously prescribed to the insured for a preexisting condition, and  
6 previously covered under the insured’s prior health insurance plan licensed in the  
7 commonwealth, or a comparable equivalent or generic medication approved to treat such  
8 condition; provided, however, that if the coverage provided is for a comparable equivalent or  
9 generic medication, prior approval of the prescriber is required. The prescriber shall submit to

10 the insurance provider proof of such preexisting condition and preexisting prescription for  
11 medication.

12 SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after  
13 section 47II, inserted by section 3 of chapter 233 of the acts of 2016, the following section:-

14 47JJ. Any policy of accident and sickness insurance issued pursuant to section 108, and  
15 any group blanket policy of accident and sickness insurance pursuant to section 110 that is  
16 delivered, issued or renewed by agreement within or without the commonwealth shall provide  
17 coverage for any prescription medication previously prescribed to the insured for a preexisting  
18 condition, and previously covered under the insured's prior health insurance plan licensed in the  
19 commonwealth, or a comparable equivalent or generic medication approved to treat such  
20 condition; provided, however, that if the coverage provided is for a comparable equivalent or  
21 generic medication, prior approval of the prescriber is required. The prescriber shall submit to  
22 the insurance provider proof of such preexisting condition and preexisting prescription for  
23 medication.

24 SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after  
25 section 8KK, as inserted by section 4 of chapter 233 of the acts of 2016, the following section:-

26 8LL. Any contract between a subscriber and the corporation under an individual or group  
27 hospital service plan which is delivered, issued or renewed within the commonwealth shall  
28 provide coverage for any prescription medication previously prescribed to the insured for a  
29 preexisting condition, and previously covered under the insured's prior health insurance plan  
30 licensed in the commonwealth, or a comparable equivalent or generic medication approved to  
31 treat such condition; provided, however, that if the coverage provided is for a comparable

32 equivalent or generic medication, prior approval of the prescriber is required. The prescriber  
33 shall submit to the insurance provider proof of such preexisting condition and preexisting  
34 prescription for medication.

35 SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after  
36 section 4KK, inserted by section 5 of chapter 233 of the acts of 2016, the following section:-

37 4LL. Any subscription certificate under an individual or group medical service agreement  
38 delivered, issued or renewed within the commonwealth shall provide coverage for any  
39 prescription medication previously prescribed to the insured for a preexisting condition, and  
40 previously covered under the insured's prior health insurance plan licensed in the  
41 commonwealth, or a comparable equivalent or generic medication approved to treat such  
42 condition; provided, however, that if the coverage provided is for a comparable equivalent or  
43 generic medication, prior approval of the prescriber is required. The prescriber shall submit to  
44 the insurance provider proof of such preexisting condition and preexisting prescription for  
45 medication.

46 SECTION 5. Chapter 176G of the General Laws is hereby amended by inserting after  
47 section 4CC, inserted by section 6 of chapter 233 of the acts of 2016, the following section:-

48 4DD. Any individual or group health maintenance contract shall provide coverage for  
49 any prescription medication previously prescribed to the insured for a preexisting condition, and  
50 previously covered under the insured's prior health insurance plan licensed in the  
51 commonwealth, or a comparable equivalent or generic medication approved to treat such  
52 condition; provided, however, that if the coverage provided is for a comparable equivalent or  
53 generic medication, prior approval of the prescriber is required. The prescriber shall submit to

54 the insurance provider proof of such preexisting condition and preexisting prescription for  
55 medication.