HOUSE DOCKET, NO. 830 FILED ON: 1/28/2021

HOUSE . . . . . No. 1257

The Commonwealth of Massachusetts

PRESENTED BY:

Michael S. Day

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 the treatment of epilepsy and seizure disorders.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Michael S. Day	*31st Middlesex*	*1/28/2021*
Hannah Kane	*11th Worcester*	*2/23/2021*
Christopher Hendricks	*11th Bristol*	*2/25/2021*
Lindsay N. Sabadosa	*1st Hampshire*	*2/26/2021*
James B. Eldridge	*Middlesex and Worcester*	*2/26/2021*
Mathew J. Muratore	*1st Plymouth*	*2/26/2021*
Brian M. Ashe	*2nd Hampden*	*3/2/2021*

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HOUSE . . . . . No. 1257

By Mr. Day of Stoneham, a petition (accompanied by bill, House, No. 1257) of Michael S. Day and others relative to the treatment of epilepsy and seizure disorders. Health Care Financing.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1145* OF 2019-2020.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act relative to the treatment of epilepsy and seizure disorders.

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. Chapter 118E of the General Laws is hereby amended by inserting after section 10J the following section:-

Section 10K. The division and its contracted health insurers, health plans, health maintenance organizations, behavioral health management firms and third-party administrators under contract with state Medicaid (MassHealth) shall establish a step therapy program for prescription medications for the treatment of epilepsy and seizure disorders. Said program may condition coverage and payment for epilepsy and seizure disorder medication on a requirement that the patient try and fail on not more than one other prescription medication prior to the prescribed medication being authorized.

Further, said program shall require that the prescribing practitioners, when medications are restricted, have access to a clear and convenient process to request an override of such restriction from the division or its contracted agents. The division or its contracted agents shall expeditiously grant an override of such restriction whenever the prescribing practitioner demonstrates that:

1. The preferred treatment required under step therapy has been ineffective in the treatment of the patients' medical condition in the past;

2. the drug regimen required under the step therapy program is expected to be ineffective based on the known relevant physical and mental characteristics of the patient and the known characteristics of the drug regimen;

3. the preferred treatment required under the step therapy program will cause or will likely cause an adverse reaction or other physical harm to the patient; or

4. it is in the best interest of the patient to provide the recommended drug regime based on medical necessity.

The duration of this step therapy program requirement shall not be longer that a period of thirty days, after which the prescribing practitioner may deem such treatment as clinically ineffective for the patient. When the prescribing practitioner deems the treatment to be clinically ineffective, the drug prescribed and recommended by the practitioner shall be dispensed and covered by the division and its contracted agents.