# HOUSE . . . . . . . . . . . . . . . . . No. 1147

## The Commonwealth of Massachusetts

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PRESENTED BY:

### *Danillo A. Sena*

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*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 ensuring access to specialty medications.

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PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---|---|---|
| *Danillo A. Sena* | *37th Middlesex* | *1/19/2023* |
| *Paul McMurtry* | *11th Norfolk* | *2/15/2023* |
| *James K. Hawkins* | *2nd Bristol* | *3/29/2023* |
| *Carmine Lawrence Gentile* | *13th Middlesex* | *3/31/2023* |

# HOUSE . . . . . . . . . . . . . . . . . . . No. 1147

By Representative Sena of Acton, a petition (accompanied by bill, House, No. 1147) of Danillo A. Sena and Paul McMurtry relative to access to specialty medications. Financial Services.

## The Commonwealth of Massachusetts

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**In the One Hundred and Ninety-Third General Court**
**(2023-2024)**

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An Act ensuring access to specialty medications.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1      Specialty medications are one of the fastest growing categories of drugs in today's heath

2   care environment. These drugs are usually developed by the biotechnology industry and are

3   prescribed for patients with severe diseases such as Hepatitis C, Cystic fibrosis and cancer. These

4   drugs are also often prescribed for patients with rare diseases who generally have no alternatives

5   to getting these therapies for their condition.

6      Patient generally need these medicines immediately and insurance companies and their

7   Pharmacy Benefit Management (PBM) partners usually require extensive administrative work by

8   prescribers or others on the patient's care prior to ordering these therapies. This delays treatment

9   and frustrates many physicians who feel they are forced to spend excessive time dealing with

10   paperwork and less time treating patients.(1)

11      Further, many insurance plans require patients to use PBM-owned specialty pharmacies

12   that provide these drugs via mail, delaying treatment even further. The primary reason is to allow

13  the PBM to capture lucrative rebate monies from pharmaceutical companies. These same

14  medications are routinely available at the patient's local pharmacy and could be dispensed by the

15  patient's own pharmacist if permitted by the insurance company.

16      In a 2016 report (2), the Massachusetts Attorney Generals office found that using

17  restricted distribution for these drugs had little or no benefit in reducing costs. More recent

18  information has also come forward that using mail service pharmacies for temperature sensitive

19  drugs may put patients at additional risk due to the packaging and shipping of these drugs and

20  exposure to extreme fluctuations in temperature during the process.(3) Again, these same drugs

21  are frequently available at the patient's local pharmacy and could be obtained directly by the

22  patient without the additional risk and expense of shipping through the mail

23      This legislation amends the "Any Willing Provider" law to allow retail pharmacies to fill

24  prescriptions for "specialty medications" provided the pharmacy is able to provide the required

25  administrative, handling, and monitoring services required by the drug.  Insurers and pharmacy

26  benefit managers have been circumventing MGL Chapter 176D section3B by designating a

27  medication a "specialty medication" even when the drug requirements are minimal (e.g.,

28  Humira).  This legislation will close this loophole and will also assist patients by allowing them

29  to obtain all their medication from one pharmacy instead of trying to coordinate mail shipments

30  from a specialty pharmacy located in another state.

31      The bill also sets a new category of registration at the Massachusetts Board of Pharmacy

32  that would establish standards for specialty pharmacies and ensure the safe and efficient

33  distribution of the medications in the Commonwealth.