

HOUSE No. 988

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

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 financial protection.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/11/2023</i>

HOUSE No. 988

By Representative Decker of Cambridge, a petition (accompanied by bill, House, No. 988) of Marjorie C. Decker relative to regulating separate out-of-pocket insurance limits for prescription drugs, including specialty drugs. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1059 OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act relative to patient financial protection.

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 175 of the General Laws, as appearing in the 2020 Official Edition,
2 is hereby amended by inserting after section 47PP the following section:-

3 Section 47QQ. Any policy, contract, agreement, plan or certificate of insurance issued,
4 delivered or renewed within the commonwealth that provides coverage for prescription drugs
5 shall establish a separate out-of-pocket limit for prescription drugs, which shall include specialty
6 drugs. The out-of-pocket limit shall not exceed the dollar amount set as the minimum annual
7 deductible for a high deductible health plan under section 223 of the federal Internal Revenue
8 Code of 1986, 26 U.S.C. §223 (c)(2)(A)(i), for self-only and family coverage, respectively. For
9 the purposes of this section the term “out-of-pocket limit” shall include expenses that: (1) are a

10 cost-sharing expenditure under section 1302 of the federal Patient Protection and Affordable
11 Care Act, 42 U.S.C. §18022 (c)(3); and (2) relate to prescription drug coverage.

12 SECTION 2. Chapter 176A of the General Laws, as appearing in the 2020 Official
13 Edition, is hereby amended by inserting after section 8QQ the following section:-

14 Section 8RR. Any contract between a subscriber and the corporation under an individual
15 or group hospital service plan which is delivered, issued or renewed within the commonwealth
16 that provides coverage for prescription drugs shall establish a separate out-of-pocket limit for
17 prescription drugs, which shall include specialty drugs. The out out-of-pocket limit shall not
18 exceed the dollar amount set as the minimum annual deductible for a high deductible health plan
19 under section 223 of the federal Internal Revenue Code of 1986, 26 U.S.C. §223 (c)(2)(A)(i), for
20 self-only and family coverage, respectively. For the purposes of this section the term “out-of-
21 pocket limit” shall include expenses that: (1) are a cost-sharing expenditure under section 1302
22 of the federal Patient Protection and Affordable Care Act, 42 U.S.C. §18022 (c)(3); and (2) relate
23 to prescription drug coverage.

24 SECTION 3. Chapter 176B of the General Laws, as appearing in the 2020 Official
25 Edition, is hereby amended by inserting after section 4QQ the following section:-

26 Section 4RR. Any subscription certificate under an individual or group medical service
27 agreement delivered, issued or renewed within the commonwealth that provides coverage for
28 prescription drugs shall establish a separate out-of-pocket limit for prescription drugs, which
29 shall include specialty drugs. The out-of-pocket limit shall not exceed the dollar amount set as
30 the minimum annual deductible for a high deductible health plan under section 223 of the federal
31 Internal Revenue Code of 1986, 26 U.S.C. §223 (c)(2)(A)(i), for self-only and family coverage,

32 respectively. For the purposes of this section the term “out-of-pocket limit” shall include
33 expenses that: (1) are a cost-sharing expenditure under section 1302 of the federal Patient
34 Protection and Affordable Care Act, 42 U.S.C. §18022 (c)(3); and (2) relate to prescription drug
35 coverage.

36 SECTION 4. Chapter 176G of the General Laws, as appearing in the 2020 Official
37 Edition, is hereby amended by inserting after section 4GG the following section:-

38 Section 4HH. Any individual or group health maintenance organization that provides
39 coverage for prescription drugs shall establish a separate out-of-pocket limit for prescription
40 drugs, which shall include specialty drugs. The out-of-pocket limit shall not exceed the dollar
41 amount set as the minimum annual deductible for a high deductible health plan under section
42 223of the federal Internal Revenue Code of 1986, 26 U.S.C. §223 (c)(2)(A)(i), for self-only and
43 family coverage, respectively. For the purposes of this section the term “out-of-pocket limit”
44 shall include expenses that: (1) are a cost-sharing expenditure under section 1302 of the federal
45 Patient Protection and Affordable Care Act, 42 U.S.C. §18022 (c)(3); and (2) relate to
46 prescription drug coverage.

47 SECTION 5. This act shall apply to all policies, contracts and certificates of health
48 insurance subject to section 47QQ of chapter 175, section 8RR of chapter 176A, section 4RR of
49 chapter 176B and section 4HH of chapter 176G of the General Laws delivered, issued or
50 renewed on or after January 1, 2023.