

HOUSE No. 1147

The Commonwealth of Massachusetts

PRESENTED BY:

Danillo A. Sena

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.

PETITION OF:

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

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

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

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 health
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 section 3B 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.