

**HOUSE . . . . . No. 681**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Viriato Manuel deMacedo*

*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 Regulating Appeals under the Group Insurance Commission..

PETITION OF:

NAME:

DISTRICT/ADDRESS:

*Viriato Manuel deMacedo*

*1st Plymouth*

*Sheila C. Harrington*

*1st Middlesex*

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By Mr. deMacedo of Plymouth, a petition (accompanied by bill, House, No. 681) of Viriato Manuel deMacedo and Sheila C. Harrington regulating appeals under the group insurance commission. Public Service.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2351 OF 2009-2010.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Eleven**  
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An Act Regulating Appeals under the Group Insurance Commission..

*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 by amended, at the end thereof,  
2 the following new section:-

3 Section 17K. Any person who is dispensed a non-formulary or non-preferred brand name  
4 prescription drug, as determined under a pharmaceutical drug program established by the  
5 commission or through a pharmacy benefit manager contracted by the commission, may appeal  
6 that determination to the commission, and upon the submission of a statement by the person’s  
7 physician that, due to a medical necessity, only the non-formulary or non-preferred brand name  
8 prescription drug can be dispensed, the person shall pay for the drug at the same rate required for  
9 the formulary or preferred brand name prescription drugs under such pharmaceutical drug  
10 program.