

HOUSE No. 3582

The Commonwealth of Massachusetts

PRESENTED BY:

Carmine L. Gentile

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 prohibiting certain pharmacy claims fees.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Louis L. Kafka</i>	<i>8th Norfolk</i>
<i>Stephen Kulik</i>	<i>1st Franklin</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Mathew Muratore</i>	<i>1st Plymouth</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>

HOUSE No. 3582

By Mr. Gentile of Sudbury, a petition (accompanied by bill, House, No. 3582) of Carmine L. Gentile and others relative to charging or hold pharmacists or pharmacies responsible for certain fee related claims. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act prohibiting certain pharmacy claims fees.

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

1 Chapter 93A of the General Laws is hereby amended by adding the following section:-

2 Section 12.(a) For the purposes of bringing an action pursuant to section 11 it shall be an
3 unfair and deceptive trade practice for a health insurance issuer doing business in the
4 commonwealth pursuant to the general laws or a pharmacy benefit manager to directly or
5 indirectly charge or hold a pharmacist or pharmacy responsible for any fee related to a claim: (i)
6 that is not apparent at the time of claim processing; (ii) that is not reported on the remittance
7 advice of an adjudicated claim; or (iii) after the initial claim is adjudicated.

8 (b) For the purposes of this section, "pharmacy benefit manager" means a person, other
9 than a pharmacy or pharmacist, who acts as an administrator in connection with pharmacy
10 benefits or administers the (i) prescription drug, prescription device or pharmacist services or (ii)
11 prescription drug and device and pharmacist services portion of a health benefit plan on behalf of
12 plan sponsors as provided for in the general laws.