

HOUSE No. 959

The Commonwealth of Massachusetts

PRESENTED BY:

Shawn Dooley

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 requiring continual coverage of prescription medication.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Shawn Dooley</i>	<i>9th Norfolk</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>

HOUSE No. 959

By Mr. Dooley of Norfolk, a petition (accompanied by bill, House, No. 959) of Shawn Dooley, Carmine Lawrence Gentile and Michael J. Soter relative to continual insurance coverage of certain prescription medications. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2952 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act requiring continual coverage of prescription medication.

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 amended by inserting after
2 section 17O, inserted by section 1 of chapter 233 of the acts of 2016, the following section:-

3 Section 17P. Any coverage offered by the commission to an active or retired employee of
4 the commonwealth insured under the group insurance commission shall provide coverage for any
5 prescription medication previously prescribed to the insured for a preexisting condition, and
6 previously covered under the insured’s prior health insurance plan licensed in the
7 commonwealth, or a comparable equivalent or generic medication approved to treat such
8 condition; provided, however, that if the coverage provided is for a comparable equivalent or
9 generic medication, prior approval of the prescriber is required. The prescriber shall submit to

10 the insurance provider proof of such preexisting condition and preexisting prescription for
11 medication.

12 SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after
13 section 47II, inserted by section 3 of chapter 233 of the acts of 2016, the following section:-

14 47JJ. Any policy of accident and sickness insurance issued pursuant to section 108, and
15 any group blanket policy of accident and sickness insurance pursuant to section 110 that is
16 delivered, issued or renewed by agreement within or without the commonwealth shall provide
17 coverage for any prescription medication previously prescribed to the insured for a preexisting
18 condition, and previously covered under the insured's prior health insurance plan licensed in the
19 commonwealth, or a comparable equivalent or generic medication approved to treat such
20 condition; provided, however, that if the coverage provided is for a comparable equivalent or
21 generic medication, prior approval of the prescriber is required. The prescriber shall submit to
22 the insurance provider proof of such preexisting condition and preexisting prescription for
23 medication.

24 SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after
25 section 8KK, as inserted by section 4 of chapter 233 of the acts of 2016, the following section:-

26 8LL. Any contract between a subscriber and the corporation under an individual or group
27 hospital service plan which is delivered, issued or renewed within the commonwealth shall
28 provide coverage for any prescription medication previously prescribed to the insured for a
29 preexisting condition, and previously covered under the insured's prior health insurance plan
30 licensed in the commonwealth, or a comparable equivalent or generic medication approved to
31 treat such condition; provided, however, that if the coverage provided is for a comparable

32 equivalent or generic medication, prior approval of the prescriber is required. The prescriber
33 shall submit to the insurance provider proof of such preexisting condition and preexisting
34 prescription for medication.

35 SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after
36 section 4KK, inserted by section 5 of chapter 233 of the acts of 2016, the following section:-

37 4LL. Any subscription certificate under an individual or group medical service agreement
38 delivered, issued or renewed within the commonwealth shall provide coverage for any
39 prescription medication previously prescribed to the insured for a preexisting condition, and
40 previously covered under the insured's prior health insurance plan licensed in the
41 commonwealth, or a comparable equivalent or generic medication approved to treat such
42 condition; provided, however, that if the coverage provided is for a comparable equivalent or
43 generic medication, prior approval of the prescriber is required. The prescriber shall submit to
44 the insurance provider proof of such preexisting condition and preexisting prescription for
45 medication.

46 SECTION 5. Chapter 176G of the General Laws is hereby amended by inserting after
47 section 4CC, inserted by section 6 of chapter 233 of the acts of 2016, the following section:-

48 4DD. Any individual or group health maintenance contract shall provide coverage for
49 any prescription medication previously prescribed to the insured for a preexisting condition, and
50 previously covered under the insured's prior health insurance plan licensed in the
51 commonwealth, or a comparable equivalent or generic medication approved to treat such
52 condition; provided, however, that if the coverage provided is for a comparable equivalent or
53 generic medication, prior approval of the prescriber is required. The prescriber shall submit to

54 the insurance provider proof of such preexisting condition and preexisting prescription for
55 medication.