

SENATE No. 00422

The Commonwealth of Massachusetts

PRESENTED BY:

Barry R. Finegold

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 passage of the accompanying bill:

An Act relative to step therapy pain.

PETITION OF:

NAME:

Barry R. Finegold

DISTRICT/ADDRESS:

Second Essex and Middlesex

SENATE No. 00422

By Mr. Finegold, petition (accompanied by bill, Senate, No. 422) of Finegold for legislation relative to step therapy pain [Joint Committee on Financial Services].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to step therapy pain.

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 is hereby amended by inserting after
2 section 108J the following section:-

3 Section 108K. (a) For the purposes of this section, "generically equivalent drug"
4 means drug products with the same active chemical ingredients of the same strength, quantity,
5 and dosage form, and of the same generic drug name, as determined by the United States
6 Adopted Names (USAN) and accepted by the federal Food and Drug Administration (FDA), as
7 those drug products having the same chemical ingredients.

8 (b) A health care service plan contract that covers outpatient prescription drug benefits shall
9 provide coverage for a drug that has been prescribed by a participating licensed health care
10 professional for the treatment of pain and shall not require the subscriber or enrollee to first use

11 an alternative prescription drug or an over-the-counter drug, but may require the subscriber or
12 enrollee to first use a generically equivalent drug.

13 (c) This section does not prohibit a health care service plan from charging a subscriber or
14 enrollee a copayment or a deductible for prescription drug benefits or from setting forth, by
15 contract, limitations on maximum coverage of prescription drug
16 benefits, provided that the copayments, deductibles, or limitations are reported to, and held
17 unobjectionable by, the director and set forth to the subscriber or enrollee.

18 (d) Nothing in this section shall be construed to require coverage of prescription drugs not in
19 a plan's drug formulary or to prohibit generically equivalent drugs or generic drug substitutions.

20 (e) A health insurance policy that covers outpatient prescription drug benefits shall provide
21 coverage for a drug that has been prescribed by a participating licensed
22 health care professional for the treatment of pain and shall not require the insured to first use an
23 alternative prescription drug or an over-the-counter drug, but may require the insured to first use
24 a generically equivalent drug.

25 (f) This section does not prohibit a health insurance policy from charging an insured a
26 copayment or a deductible for prescription drug benefits or from setting forth, by contract,
27 limitations on maximum coverage of prescription drug benefits,
28 provided that the copayments, deductibles, or limitations are reported to, and held
29 unobjectionable by, the commissioner and set forth to the insured pursuant to the disclosure
30 provisions.

31 (g) Nothing in this section shall be construed to require coverage of prescription drugs not in
32 an insurer's drug formulary or to prohibit generically equivalent drugs or
33 generic drug substitutions.