HOUSE DOCKET, NO. FILED ON: 1/9/2009

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

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The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PRESENTED BY:

**Peter J. Koutoujian**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*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 prohibiting drug switching payments.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Peter J. Koutoujian | 10th Middlesex |

The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act prohibiting drug switching payments.

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

Section 10 of Chapter 176O of the General Laws is hereby amended by adding the following subsection:-

(d)  No contract between a carrier, including a dental or vision carrier, and a participating provider shall include any incentive plan that includes a specific payment to the participating provider as an inducement to change a prescription for a drug or medical product issued to a covered person from one specific drug or medical product to another.  Nothing in this subsection shall prohibit incentive plans that (1) do not make reference to any specific prescription drug or medical product and (2) comply with the provisions of subsection (b).  The commissioner may impose a fine of $10,000 per violation of this subsection.