SENATE DOCKET, NO. FILED ON: 1/7/2009

**SENATE . . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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PRESENTED BY:

**Ms. Tucker (BY REQUEST)**

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*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 regarding continuity of prescription drug coverage

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

PETITION OF:

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| --- | --- |
| Name: | District/Address: |
| Dr. Hayward Zwerling | 10 Coventry LaneAndover, MA 01810 |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00433 OF 2007-2008.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

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

An Act regarding continuity of prescription drug coverage .

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

SECTION 1.  Chapter 32A of the General Laws is hereby amended by inserting after section 17I the following section:-

Section 17J. In providing coverage for an insured who was previously insured by a separate policy of insurance, the commission shall provide coverage of each specific prescription medication being prescribed to said insured as of the initial date of the insured’s coverage under the policy that is equal to the most favorable coverage rate for any prescription medication under the policy.

**SECTION 2.** Chapter 175 of the General Laws is hereby amended by inserting after section 47Z the following section:-

Section 47AA.   Any blanket or general policy of insurance, except a blanket or general policy of insurance which provides supplemental coverage to Medicare or other governmental programs, described in subdivision (A), (C) or (D) of section 110 which provides hospital expense and surgical expense insurance and which is issued or subsequently renewed by agreement between the insurer and the policy holder, within or without the commonwealth, during the period this section is effective, or any policy of accident or sickness insurance as described in section 108 which provides hospital expense and surgical expense insurance, except a policy which provides supplemental coverage to Medicare or other governmental programs, and which is delivered or issued for delivery or subsequently renewed by agreement between the insurer and the policy holder in the commonwealth, during the period that this section is effective, or any employees’ health and welfare fund which provides hospital expense and surgical expense benefits and which is promulgated or renewed to any person or group of persons in the commonwealth, while this section is effective, in providing coverage for an insured who was previously insured by a separate policy of insurance, shall provide coverage of each specific prescription medication being prescribed to said insured as of the initial date of the insured’s coverage under the policy that is equal to the most favorable coverage rate for any prescription medication under the policy.

**SECTION 3.** Chapter 176A of the General Laws is hereby amended by inserting after section 8AA the following section:-

Section 8BB.  A contract between a subscriber and the corporation under an individual or group hospital service plan which provides hospital expense and surgical expense insurance, except contracts providing supplemental coverage to Medicare or other governmental programs, delivered, issued or renewed by agreement between the insurer and the policyholder, within or without the commonwealth, shall provide to all individual subscribers and members within the commonwealth who were previously insured by a separated policy of insurance and to all group members having a principal place of employment within the commonwealth and who were previously insured by a separated policy of insurance, coverage of each specific prescription medication being prescribed to said subscribers and members as of the initial date of said subscribers’ and members’ coverage under the policy that is equal to the most favorable coverage rate for any prescription medication under the policy.

**SECTION 4.**Chapter 176B of the General Laws is hereby amended by inserting after section 4AA the following section:-

Section 4BB.  (a) Any subscription certificate under an individual or group medical service agreement, except certificates which provide supplemental coverage to Medicare or other governmental programs that shall be delivered, issued or renewed within the commonwealth shall provide, as benefits to all individual subscribers or members within the commonwealth who were previously insured by a separate policy of insurance and to all group members having a principal place of employment within the commonwealth and who were previously insured by a separate policy of insurance, coverage of each specific prescription medication being prescribed to said subscribers and members as of the initial date of the subscribers’ and members’ coverage under the policy that is equal to the most favorable coverage rate for any prescription medication under the policy.

**SECTION 5.**Chapter 176G of the General Laws is hereby amended by inserting after section 4S the following section:-

Section 4T.  (a) In providing coverage for an insured who was previously insured by a separate policy of insurance, individual and group health maintenance contracts shall provide coverage of each specific prescription medication being prescribed to said insured as of the initial date of the insured’s coverage under the policy that is equal to the most favorable coverage rate for any prescription medication under the policy.

**SECTION 6.** This act shall apply to all policies, contracts, agreements, plans or certificates of insurance issued or delivered within the commonwealth on or after January 1, 2009, or upon renewal to all policies, contracts, agreements, plans or certificates of insurance in effect before January 1, 2009.