

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Ms. Tucker (BY REQUEST)

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:

NAME:

Dr. Hayward Zwerling

DISTRICT/ADDRESS:

10 Coventry Lane
Andover, MA 01810

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

The Commonwealth of Massachusetts

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:

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

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

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

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

26 SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after section
27 8AA the following section:-

28 Section 8BB. A contract between a subscriber and the corporation under an individual or group
29 hospital service plan which provides hospital expense and surgical expense insurance, except
30 contracts providing supplemental coverage to Medicare or other governmental programs,
31 delivered, issued or renewed by agreement between the insurer and the policyholder, within or

32 without the commonwealth, shall provide to all individual subscribers and members within the
33 commonwealth who were previously insured by a separated policy of insurance and to all group
34 members having a principal place of employment within the commonwealth and who were
35 previously insured by a separated policy of insurance, coverage of each specific prescription
36 medication being prescribed to said subscribers and members as of the initial date of said
37 subscribers' and members' coverage under the policy that is equal to the most favorable
38 coverage rate for any prescription medication under the policy.

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

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

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

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

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