

**HOUSE . . . . . No. 110**

By Mr. Mariano of Quincy, a petition (accompanied by bill, House, No. 110) of Ronald Mariano and others for legislation to prevent the sharing of prescription data. Health Care Financing.

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Ronald Mariano**

*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 to prevent the sharing of prescription data.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Ronald Mariano	3rd Norfolk
Louis L. Kafka	8th Norfolk
Elizabeth A. Malia	11th Suffolk

**The Commonwealth of Massachusetts**

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In the Year Two Thousand and Nine

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AN ACT TO PREVENT THE SHARING OF PRESCRIPTION DATA.

*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 112, section 30 of the General Laws, as appearing in the 2006 Official  
2 Edition, is hereby amended by the addition of the following new section:  
3 "No pharmacist shall exhibit, discuss, or reveal any part of the contents of any prescription,  
4 including the medication prescribed, the name of the prescriber, the therapeutic effect of the  
5 medication, the nature, extent, or degree of illness suffered by any patient or any medical  
6 information furnished by the prescriber with any person other than the patient or his or her  
7 authorized representative, the prescriber or other licensed practitioner then caring for the patient,  
8 another licensed pharmacist serving the patient, or a person duly authorized by law to receive  
9 such information. This section shall not be interpreted to interfere with legitimate peer review  
10 conducted by a hospital, physician group practice, health maintenance organization or other  
11 entity which is engaged in the review of one of its licensed or credentialed providers. This  
12 section shall also not be interpreted to prevent the sharing of prescribing information by a  
13 pharmacist with a patient's insurer."

14 SECTION 2. Chapter 176 A of the General Laws is hereby amended by the addition of the  
15 following new section:

16 "No hospital service corporation shall permit its employees or consultants to exhibit, discuss, or  
17 reveal any part of the contents of any prescription with any person other than the patient or his or  
18 her authorized representative, the prescriber or other licensed practitioner then caring for the  
19 patient, another licensed pharmacist serving the patient, or a person duly authorized by law to  
20 receive such information. This section shall not be interpreted to interfere with legitimate peer  
21 review conducted by a hospital, physician group practice, health maintenance organization or  
22 other entity which is engaged in the review of one of its licensed or credentialed providers. This  
23 section shall also not be interpreted to prevent the internal review of prescribing information by  
24 an insurer for quality assurance or payment purposes."

25 SECTION 3. Chapter 176 B of the General Laws is hereby amended by the addition of the  
26 following new section:

27 "No medical service corporation shall exhibit, discuss, or reveal any part of the contents of any  
28 prescription with any person other than the patient or his or her authorized representative, the  
29 prescriber or other licensed practitioner then caring for the patient, another licensed pharmacist  
30 serving the patient, or a person duly authorized by law to receive such information. This section  
31 shall not be interpreted to interfere with legitimate peer review conducted by a hospital,  
32 physician group practice, health maintenance organization or other entity which is engaged in the  
33 review of one of its licensed or credentialed providers. This section shall also not be interpreted  
34 to prevent the internal review of prescribing information by an insurer for quality assurance or  
35 payment purposes."

36 SECTION 4. Chapter 176 G of the General Laws is hereby amended by the addition of the  
37 following new section:

38 "No health maintenance organization shall permit its employees or consultants to exhibit,  
39 discuss, or reveal any part of the contents of any prescription with any person other than the  
40 patient or his or her authorized representative, the prescriber or other licensed practitioner then  
41 caring for the patient, another licensed pharmacist serving the patient, or a person duly  
42 authorized by law to receive such information. This section shall not be interpreted to interfere  
43 with legitimate peer review conducted by a hospital, physician group practice, health  
44 maintenance organization or other entity which is engaged in the review of one of its licensed or  
45 credentialed providers. This section shall also not be interpreted to prevent the internal review of  
46 prescribing information by an insurer for quality assurance or payment purposes."

47 SECTION 5. Chapter 176I of the General Laws is hereby amended by the addition of the  
48 following new section:

49 "No preferred provider arrangement licensed under the provisions of this section shall permit its  
50 employees or consultants to exhibit, discuss, or reveal any part of the contents of any  
51 prescription with any person other than the patient or his or her authorized representative, the  
52 prescriber or other licensed practitioner then caring for the patient, another licensed pharmacist  
53 serving the patient, or a person duly authorized by law to receive such information. This section  
54 shall not be interpreted to interfere with legitimate peer review conducted by a hospital,  
55 physician group practice, health maintenance organization or other entity which is engaged in the  
56 review of one of its licensed or credentialed providers. This section shall also not be interpreted  
57 to prevent the internal review of prescribing information by an insurer for quality assurance or  
58 payment purposes."

59 SECTION 6. Chapter 118 E of the General Laws is hereby amended by the addition of the  
60 following new section:

61 “No employee or consultant of the Division of Medical Assistance or its agents in the provision  
62 of care under this section shall exhibit, discuss, or reveal any part of the contents of any  
63 prescription with any person other than the patient or his or her authorized representative, the  
64 prescriber or other licensed practitioner then caring for the patient, another licensed pharmacist  
65 serving the patient, or a person duly authorized by law to receive such information. This section  
66 shall not be interpreted to interfere with legitimate peer review conducted by a hospital,  
67 physician group practice, health maintenance organization or other entity which is engaged in the  
68 review of one of its licensed or credentialed providers. This section shall also not be interpreted  
69 to prevent the internal review of prescribing information by an insurer for quality assurance or  
70 payment purposes.”