

By Miss O'Brien, a petition (accompanied by bill, Senate, No. 660) of David P. Magnani, Linda J. Melconian, Shannon P. O'Brien, Michael C. Creedon and Charles E. Shannon for legislation to provide for accessibility to pharmaceutical services. Insurance.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Four

AN ACT PROVIDING FOR ACCESSIBILITY TO PHARMACEUTICAL SERVICES.

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 as appearing in
2 the 1990 Official Edition is hereby amended by inserting after
3 section 47I, the following new section:

4 Section 47J. Any blanket or general policy of insurance
5 described in subdivision (A), (C), or (B) of section one hundred
6 ten which is issued or subsequently renewed by agreement
7 between the insurer and the policyholder, within or without the
8 Commonwealth, during the period within which this premium is
9 effective, or any policy of accident or sickness insurance as
10 described in section one hundred eight which provides hospital
11 expense and surgical expense insurance and which is delivered or
12 issued for delivery or subsequently renewed by agreement
13 between the insurer and the policyholder in the Commonwealth,
14 during the period within which this provision is effective or any
15 employer's health and welfare fund which provides hospital
16 expense and surgical expense benefits and which is issued or
17 renewed to any person or group of persons in the Commonwealth,
18 during the period within which this provision is effective,
19 shall not:

20 1. Deny any pharmacy license under chapter one hundred
21 twelve the right to participate as a participating provider in any

22 such contract, agreement, or plan on the same terms and condi-
23 tions as are offered to any other provider of pharmaceutical
24 services under that contract;

25 2. Prevent any individual who is a party to or beneficiary of any
26 such contract, agreement, or plan from selecting a licensed phar-
27 macy or such individual's choice to furnish the pharmaceutical
28 services offered under the contract, provided that the pharmacy
29 has agreed to be a participating provider under the same terms and
30 conditions of the contract as those offered to any other provider of
31 pharmaceutical services; or

32 3. Permit or mandate more than a five percent differential
33 in cost, premium, co-payments, or deductibles based upon the
34 identity of the pharmaceutical provider.

35 Pharmaceutical services provided to an insured through a mail
36 order pharmacy shall be exempt from the provisions of this
37 section.

1 SECTION 2. Chapter 176A as appearing in the 1990 Official
2 Edition is hereby amended by adding after section 8L, the
3 following new section:

4 Section 8K. Any contract between a subscriber and the
5 corporation under an individual or group hospital service plan
6 which shall be delivered, issued or renewed in the Commonwealth
7 which provides or offers coverage for pharmaceutical services
8 shall not:

9 1. Deny any pharmacy licensed under chapter one hundred
10 twelve the right to participate as a participating provider for any
11 such contract, agreement, or plan on the same terms and condi-
12 tions as are offered to any other provider of pharmaceutical
13 services under that contract;

14 2. Prevent any individual who is a party to or beneficiary of any
15 such contract, agreement, or plan from selecting a licensed phar-
16 macy of such individual's choice to furnish the pharmaceutical
17 services offered under the contract, provided that the pharmacy
18 has agreed to be a participating provider under the same terms and
19 conditions of the contract as those offered to any other provider of
20 pharmaceutical services; or

21 3. Permit or mandate more than a five percent differential in
22 cost, premiums, co-payments, or deductibles based upon the iden-
23 tity of the pharmaceutical provider.

24 Pharmaceutical services provided to an insured through a mail
25 order pharmacy shall be exempt from the provisions of this
26 section.

1 SECTION 3. Chapter 176B on the General Laws as appearing
2 in the 1990 Official Edition is hereby amended by adding after
3 section 4L, the following new section:

4 Section 4M. Any subscription certificate under an individual or
5 group medical service agreement which is issued, delivered, or
6 renewed in the Commonwealth and provides or offers coverage
7 for pharmaceutical services shall not:

8 1. Deny any pharmacy licensed under chapter one hundred
9 twelve the right to participate as a participating provider for any
10 such contract, agreement, or plan on the same terms and condi-
11 tions as are offered to any other provider of pharmaceutical serv-
12 ices under that contract;

13 2. Prevent any individual who is a party to or beneficiary of any
14 such contract, agreement, or plan from selecting a licensed phar-
15 macy of such individual's choice to furnish the pharmaceutical
16 services offered under the contract, provided that the pharmacy
17 has agreed to be a participating provider under the same terms and
18 conditions of the contract as those offered to any other provider of
19 pharmaceutical services; or

20 3. Permit or mandate more than a five percent differential in
21 cost, premium, co-payments, or deductibles, based upon the iden-
22 tity of the pharmaceutical provider.

23 Pharmaceutical services provided to an insured through a mail
24 order pharmacy shall be exempt from the provisions of this
25 section.

1 SECTION 4. Chapter 176G of the General Laws as appearing
2 in the 1990 Official Edition is hereby amended by adding after
3 section 4D, the following new section:

4 Section 4E. Any health maintenance contract shall provide
5 coverage for pharmaceutical services as set forth in section 47J of
6 chapter one hundred seventy-five. This section shall not apply to
7 any health maintenance organization licensed under the provisions
8 of Chapter 176G which requires coverage through clinic
9 licensed pharmacies under the direction of the health maintenance
10 organization.

11 Pharmaceutical services provided to an insured through a mail
12 order pharmacy shall be exempt from the provisions of this
13 section.