

**HOUSE . . . . . No. 603**

By Mr. Correia of Fall River, petition of Robert Correia and others relative to extending the Medicare part D safety net. Elder Affairs.

**The Commonwealth of Massachusetts**

PETITION OF:

Robert Correia	Kay Khan
John D. Keenan	Stephen R. Canessa
Peter V. Kocot	Richard J. Ross
David M. Torrissi	John V. Fernandes
Carl M. Sciortino, Jr.	Robert M. Koczera
Tom Sannicandro	Willie Mae Allen
Barbara A. L'Italien	Antonio F. D. Cabral
William N. Brownsberger	Matthew C. Patrick
Bruce J. Ayers	John P. Fresolo
Steven J. D'Amico	Michael F. Rush
Ruth B. Balsler	Frank I. Smizik
Denise Provost	Colleen M. Garry
James B. Eldridge	Bradford Hill
James M. Murphy	Viriato Manuel deMacedo
Martin J. Walsh	Bradley H. Jones, Jr.
John W. Scibak	Karyn E. Polito
Kevin G. Honan	Stephen Stat Smith
Joyce A. Spiliotis	Jennifer M. Callahan
Christine E. Canavan	John F. Quinn
Elizabeth A. Malia	Martha M. Walz
William Smitty Pignatelli	Elizabeth A. Poirier
William C. Galvin	Peter J. Koutoujian
Walter F. Timilty	Steven M. Walsh
Geraldo Alicea	Byron Rushing
Joseph R. Driscoll	

In the Year Two Thousand and Seven.

AN ACT EXTENDING THE MEDICARE PART D SAFETY NET.

*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. Said chapter 175 of the acts of 2005, as so amended, is  
2 hereby amended by striking out sections 7A and 7B and inserting in  
3 place thereof the following sections:—

4 Section 7A. Notwithstanding any general or special law to the  
5 contrary, the subsidized catastrophic prescription drug insurance pro-  
6 gram established in section 39 of chapter 19A of the General Laws  
7 shall provide coverage each calendar year for a 1-time supply of pre-  
8 scribed medications in the amount prescribed, up to a 30 day supply,  
9 to enrollees who are also eligible for Medicare prescription drug  
10 coverage and who have not already received during the current cal-  
11 endar year a 1-time supply under this section. After an enrollee  
12 exhausts the availability of the annual 1-time 30-day supply of a  
13 medication under this section, the program shall provide coverage,  
14 free of charge, for a 1-time, 72-hour supply of the medication each  
15 calendar year. Both the 30-day supply and the 72-hour supply shall  
16 be available in all instances in which the pharmacist cannot bill a  
17 Medicare prescription drug plan at the time the prescription is pre-  
18 sented. Any co-pay or deductible that would have been charged to  
19 the enrollee under section 39 of chapter 19A shall apply to the  
20 annual 1-time 30 day supply.

21 Section 7B. Notwithstanding any general or special law to the  
22 contrary, the secretary of health and human services, in consultation  
23 with the director of Medicaid, shall authorize MassHealth payment  
24 each calendar year for a 1-time supply of prescribed medications in  
25 the amount prescribed, up to a 30-day supply, to beneficiaries under  
26 chapter 118E of the General Laws who are also eligible for Medicare  
27 prescription drug coverage and who have not already received  
28 during the current calendar year a 1-time supply under this section.  
29 After a beneficiary exhausts the availability of the annual 1-time, 30-  
30 day supply of a medication under this section, MassHealth shall pro-  
31 vide coverage, free of charge, for a 1-time, 72-hour supply of the  
32 medication each calendar year. Both the 30-day supply and the 72-  
33 hour supply shall be available in all instances in which the pharma-  
34 cist cannot bill a Medicare prescription drug plan at the time the  
35 prescription is presented. Any co-pay or deductible that would have  
36 been charged to the beneficiary under MassHealth shall apply to the  
37 annual 1-time, 30-day supply.

1 SECTION 2. Said chapter 175 of the acts of 2005, as so amended,  
2 is hereby amended by inserting after section 7B the following  
3 2 sections:—

4 Section 7C. Notwithstanding section 7D or any general or special  
5 law to the contrary, between January 1, 2007 and December 31,  
6 2007, in the event that the Medicare prescription drug plan covers  
7 the prescribed medication at the time the prescription is presented,  
8 but charges a co-pay or deductible to a MassHealth member that  
9 exceeds the amount federal Medicare law permits the plan to charge  
10 a non-institutionalized full benefit dual eligible member with income  
11 less than or equal to 100% of the federal poverty line, MassHealth  
12 shall pay the amount of such excess and the beneficiary shall pay the  
13 balance.

14 Section 7D. Notwithstanding any general or special law to the  
15 contrary, in the event that the Medicare prescription drug plan covers  
16 the prescribed medication at the time the prescription is presented,  
17 but charges a co-pay or deductible to a MassHealth member whose  
18 MassHealth co-pay would be zero, MassHealth shall pay the entire  
19 amount of that co-pay or deductible. In the event that the Medicare  
20 prescription drug plan covers the prescribed medication at the time  
21 the prescription is presented, but charges a co-pay or deductible to a  
22 MassHealth member in excess of what would have been charged to  
23 the beneficiary under MassHealth, MassHealth shall pay the excess  
24 amount and the beneficiary shall pay what would be payable under  
25 MassHealth.

1 SECTION 3. Said chapter 175 of the acts of 2005, as so amended,  
2 is hereby amended by inserting after section 8 the following  
3 2 sections:—

4 Section 9. Notwithstanding any general or special law to the con-  
5 trary, the secretary of health and human services, in consultation  
6 with the director of Medicaid, shall authorize MassHealth coverage  
7 for beneficiaries under chapter 118E of the General Laws who are  
8 also eligible for Medicare prescription drug coverage for all medica-  
9 tions which are excluded from coverage under Medicare under  
10 42 U.S.C. 1395w-102(e)(2) but would be covered for that benefi-  
11 ciary under MassHealth, or appropriate regulations, were he not  
12 eligible for Medicare prescription drug coverage. Any co-pay or  
13 deductible that would have been charged to the beneficiary under  
14 MassHealth shall apply thereto.

15 Section 10. Notwithstanding any general or special law to the  
16 contrary, the subsidized catastrophic prescription drug insurance  
17 program established in section 39 of chapter 19A of the General  
18 Laws shall provide coverage for all medications which are excluded  
19 from coverage under Medicare under 42 U.S.C. 1395w-102(e)(2)  
20 but would be covered for that beneficiary under said section 39, or  
21 appropriate regulations, were he not eligible for Medicare prescrip-  
22 tion drug coverage. Any co-pay or deductible that would have been  
23 charged to the enrollee under said section 39 shall apply thereto.