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Bulletin No. 96-06

TO: **Commercial Health Insurers, Blue Cross and Blue Shield of Massachusetts (BCBSMA), Health Maintenance Organizations (HMOs)**

FROM: **Linda Ruthardt, Commissioner**

RE: **Coverage for Drugs Used for HIV/AIDS Treatment**

DATE: **April 18, 1996**

As indicated in Bulletin No. 95-05 and Bulletin 96-05, laws enacted in 1994 mandate certain coverage for the off-label use of prescription drugs for treatment of HIV/AIDS: St. 1994, c. 60, §§ 142, 144, 146, and 149 which added G.L. c. 175, §§ 47O and 47P; G.L. c. 176A, § 8O; G.L. c. 176B, § 4P and G.L. c. 176G, § 4G.

The laws prohibit commercial health insurers, BCBSMA and HMOs from excluding coverage for drugs used for the treatment of HIV/AIDS on the grounds that the off-label use of the drug has not been approved by the federal Food and Drug Administration for that indication if the drug is recognized for treatment of HIV/AIDS by one of the standard reference compendia, by medical literature, or by the Division based upon the recommendations of an advisory panel established under G.L. c.175, § 47P.

Bulletin 96-05 informed commercial health insurers, BCBSMA and HMOs that the Advisory Panel recommended and the Division approved a list setting forth the off-label uses of specific drugs which are to be recognized for the treatment of HIV/AIDS pursuant to the mandate. The purpose of this Bulletin is to inform commercial health insurers, BCBSMA and HMOs that the Advisory Panel also recommended that off-label uses of antiretroviral drugs in combination should not be denied at any stage of HIV infection and that the Division has approved this recommendation. Therefore, please note that pursuant to the mandate, off-label uses of the antiretroviral drugs in combination may not be denied at any stage of the HIV infection.

Any questions regarding this bulletin should be directed to the Division of Insurance's Health Policy Unit at (617) 521-7347.