

COMMONWEALTH OF MASSACHUSETTS
Office of Consumer Affairs and Business Regulation
DIVISION OF INSURANCE

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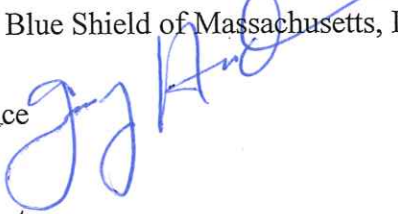
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COMMISSIONER OF INSURANCE

BULLETIN 2019-04

To: Commercial Health Insurers, Blue Cross and Blue Shield of Massachusetts, Inc.,
and Health Maintenance Organizations

From: Gary D. Anderson, Commissioner of Insurance 

Date: August 29, 2019

Re: Copayments for Partial Fills of Opioid Products

The Division of Insurance (“Division”) issues this Bulletin to Commercial Health Insurers, Blue Cross and Blue Shield of Massachusetts, Inc., and Health Maintenance Organizations offering insured health benefit plans in Massachusetts (collectively, “Carriers”).

This Bulletin provides guidance to Carriers about the provisions of SECTIONS 81, 85, 88 and 91 of Chapter 208 of the Acts of 2018, which require that Carriers “shall provide, for any covered drug that is a narcotic substance contained in schedule II pursuant to [M.G.L.] chapter 94C and subject to cost sharing, that if a person receives a prescription filled in a lesser quantity pursuant to section 18 of said chapter 94C, said person shall not be subject to an additional payment obligation, including, but not limited to, co-payments, if said person fills the remaining portion of the prescription.”

The Division expects Carriers to take steps, in collaboration with their network pharmacies, to ensure that covered persons who elect to fill a prescription for a narcotic substance contained in schedule II, as identified by the Massachusetts Department of Public Health according to M.G.L. c. 94C, in a lesser quantity than prescribed are not subject to additional cost-sharing when filling the remainder of the prescription. If carriers are not immediately able to implement technological changes to existing systems to accomplish the provisions of these sections, the Division will expect Carriers to implement manual processes to accomplish the requirements of these sections until necessary technological changes may be in place.

Carriers are expected to forward materials to the Division by October 31, 2019 to identify the processes that will be established to ensure that covered persons will not ultimately be responsible for additional cost-sharing when filling the remainder of existing opioid prescriptions. These

Bulletin 2019-04

August 29, 2019

Page 2 of 2

processes could, for example, involve requiring pharmacists to contact the Carrier or Carrier's pharmacy benefit manager at the point-of-sale to alert the Carrier or pharmacy benefit manager that the member is filling the remainder of a prior prescription so that the Carrier or its pharmacy benefit manager may waive any copayment that may be associated with a subsequent fill of the same prescription.

If you have any questions about this Bulletin, please contact Kevin Beagan, Division of Insurance at (617) 521-7323 or kevin.beagan@mass.gov.