

**SENATE . . . . . No. 1215**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Jason M. Lewis***

*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 adoption of the accompanying bill:

An Act to reduce healthcare costs by promoting non-biased prescriber education.

PETITION OF:

| NAME:                       | DISTRICT/ADDRESS:                  |                  |
|-----------------------------|------------------------------------|------------------|
| <i>Jason M. Lewis</i>       | <i>Fifth Middlesex</i>             |                  |
| <i>Mark C. Montigny</i>     | <i>Second Bristol and Plymouth</i> | <i>2/3/2017</i>  |
| <i>Steven Ultrino</i>       | <i>33rd Middlesex</i>              | <i>1/26/2017</i> |
| <i>Jennifer E. Benson</i>   | <i>37th Middlesex</i>              | <i>1/26/2017</i> |
| <i>Patricia D. Jehlen</i>   | <i>Second Middlesex</i>            | <i>1/30/2017</i> |
| <i>Michael D. Brady</i>     | <i>Second Plymouth and Bristol</i> | <i>1/30/2017</i> |
| <i>Marjorie C. Decker</i>   | <i>25th Middlesex</i>              | <i>1/31/2017</i> |
| <i>Jonathan Hecht</i>       | <i>29th Middlesex</i>              | <i>1/31/2017</i> |
| <i>Ruth B. Balsler</i>      | <i>12th Middlesex</i>              | <i>2/1/2017</i>  |
| <i>Patrick M. O'Connor</i>  | <i>Plymouth and Norfolk</i>        | <i>2/1/2017</i>  |
| <i>Paul R. Heroux</i>       | <i>2nd Bristol</i>                 | <i>2/2/2017</i>  |
| <i>Elizabeth A. Malia</i>   | <i>11th Suffolk</i>                | <i>2/3/2017</i>  |
| <i>Jennifer L. Flanagan</i> | <i>Worcester and Middlesex</i>     | <i>2/3/2017</i>  |

**SENATE . . . . . No. 1215**

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By Mr. Lewis, a petition (accompanied by bill, Senate, No. 1215) of Jason M. Lewis, Mark C. Montigny, Steven Ultrino, Jennifer E. Benson and other members of the General Court for legislation to reduce healthcare costs by promoting non-biased prescriber education. Public Health.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1177 OF 2015-2016.]

**The Commonwealth of Massachusetts**

—————  
**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act to reduce healthcare costs by promoting non-biased prescriber education.

*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 111 of the General Laws, as appearing in the 2014 Official Edition,  
2 is hereby amended by striking out section 4N and inserting in place thereof the following  
3 section:-

4           Section 4N. (a) The department shall develop, implement and promote an evidence-based  
5 outreach and education program about the therapeutic and cost-effective utilization of  
6 prescription drugs for physicians, pharmacists and other health care professionals authorized to  
7 prescribe and dispense prescription drugs. In developing the program, the department shall  
8 consult with physicians, pharmacists, private insurers, hospitals, pharmacy benefit managers, and  
9 the MassHealth drug utilization review board.

10 (b) The program shall arrange for physicians, pharmacists and nurses under contract with  
11 the department to conduct face-to-face visits with prescribers, utilizing evidence-based materials  
12 and borrowing methods from behavioral science, educational theory and, where appropriate,  
13 pharmaceutical industry data and outreach techniques; provided, however, that to the extent  
14 possible, the program shall inform prescribers about therapeutically-equivalent pharmaceutical  
15 alternatives or other evidence-based treatment options.

16 The program shall include outreach to: physicians and other health care practitioners who  
17 participate in MassHealth, the subsidized catastrophic prescription drug insurance program  
18 authorized in section 39 of chapter 19A or the commonwealth care health insurance program;  
19 other publicly-funded, contracted or subsidized health care programs; academic medical centers;  
20 and other prescribers.

21 The department shall, to the extent possible, utilize or incorporate into its program other  
22 independent educational resources or models proven effective in promoting high quality,  
23 evidenced-based, cost-effective information regarding the effectiveness and safety of  
24 prescription drugs, including, but not limited to: (i) the Pennsylvania PACE/Harvard University  
25 Independent Drug Information Service; (ii) the Academic Detailing Program of the University of  
26 Vermont College of Medicine Area Health Education Centers; (iii) the Oregon Health and  
27 Science University Evidence-based Practice Center's Drug Effectiveness Review project; and  
28 (iv) the South Carolina evidence-based peer-to-peer education program outreach program and (v)  
29 research on academic detailing to improve prescribing by faculty at Harvard Medical  
30 School/Brigham and Women's Hospital.

31 (c) The department shall work with MassHealth to obtain access to aggregated  
32 prescription data by provider on an ongoing basis for the use of the evidence-based outreach and  
33 education program. The department, in conjunction with the executive office of health and  
34 human services, shall report to the house and senate committees on ways and means, no later  
35 than 6 months after the passage of this act, on data sharing obstacles that may be interfering with  
36 effective outreach.

37 (d) The department may establish and collect fees for subscriptions and contracts with  
38 private payers. The department may seek funding from nongovernmental health access  
39 foundations and undesignated drug litigation settlement funds associated with pharmaceutical  
40 marketing and pricing practices, as well as other sources to ensure the ongoing support for this  
41 service.

42 (e) The department shall establish a fee to be assessed on each pharmaceutical and  
43 medical device company that registers with the department annually pursuant to section 6 of  
44 chapter 111N. The fee shall be used to fund the academic detailing program pursuant to this  
45 section. The department shall set the fee at a level to meet the needs of the program to be  
46 determined on an annual basis. The department shall establish regulations for the payment of  
47 these fees.

48 (f) Funds shall be set aside for the purposes of program evaluation to assess the  
49 effectiveness and cost-savings associated with this program.

50 SECTION 2. The department of public health shall promulgate regulations implementing  
51 this act no later than 6 months after its passage.