

# HOUSE BILL 888

C3

1lr1555  
CF SB 701

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By: Delegates Kach, Bromwell, Cullison, Elliott, A. Kelly, Kipke, A. Miller, Olszewski, S. Robinson, and ~~Stocksdale~~ Stocksdale, Donoghue, Frank, Hammen, Hubbard, McDonough, Morhaim, Murphy, Nathan-Pulliam, Oaks, Pena-Melnyk, Pendergrass, Ready, Reznik, Tarrant, and V. Turner

Introduced and read first time: February 11, 2011

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 16, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Insurance – Prescription Eye Drops – Refills**

3 FOR the purpose of requiring certain insurers, nonprofit health service plans, and  
4 health maintenance organizations to provide coverage for a refill of prescription  
5 eye drops under certain circumstances; making the provisions of this Act  
6 applicable to health maintenance organizations; providing for the application of  
7 this Act; and generally relating to health insurance coverage of prescription eye  
8 drops.

9 BY adding to

10 Article – Health – General  
11 Section 19–706(kkkk)  
12 Annotated Code of Maryland  
13 (2009 Replacement Volume and 2010 Supplement)

14 BY adding to

15 Article – Insurance  
16 Section 15–845  
17 Annotated Code of Maryland  
18 (2006 Replacement Volume and 2010 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Health – General**

4 19–706.

5 **(KKKK) THE PROVISIONS OF § 15–845 OF THE INSURANCE ARTICLE**  
6 **APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.**

7 **Article – Insurance**

8 15–845.

9 **(A) THIS SECTION APPLIES TO:**

10 **(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT**  
11 **PROVIDE COVERAGE FOR PRESCRIPTION EYE DROPS UNDER HEALTH**  
12 **INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE**  
13 **STATE; AND**

14 **(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE**  
15 **COVERAGE FOR PRESCRIPTION EYE DROPS UNDER CONTRACTS THAT ARE**  
16 **ISSUED OR DELIVERED IN THE STATE.**

17 **(B) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE**  
18 **FOR A REFILL OF PRESCRIPTION EYE DROPS ~~WHEN:~~**

19 ~~**(1) THE REFILL IS REQUESTED BY AN INSURED LESS THAN 30**~~  
20 ~~**DAYS AFTER THE LATER OF:**~~

21 ~~**(I) THE DATE THE ORIGINAL PRESCRIPTION WAS**~~  
22 ~~**DISPENSED TO THE INSURED; OR**~~

23 ~~**(II) THE DATE THE LAST REFILL OF THE PRESCRIPTION WAS**~~  
24 ~~**DISPENSED TO THE INSURED;**~~

25 **(1) IN ACCORDANCE WITH GUIDANCE FOR EARLY REFILLS OF**  
26 **TOPICAL OPHTHALMIC PRODUCTS PROVIDED TO MEDICARE PART D PLAN**  
27 **SPONSORS BY THE CENTERS FOR MEDICARE AND MEDICAID SERVICES; AND**

28 **(2) IF:**

1           ~~(2)~~ (1) THE PRESCRIBING HEALTH CARE PRACTITIONER  
2 INDICATES ON THE ORIGINAL PRESCRIPTION THAT ADDITIONAL QUANTITIES OF  
3 THE PRESCRIPTION EYE DROPS ARE NEEDED;

4           ~~(3)~~ (II) THE REFILL REQUESTED BY THE INSURED DOES NOT  
5 EXCEED THE NUMBER OF ADDITIONAL QUANTITIES INDICATED ON THE  
6 ORIGINAL PRESCRIPTION BY THE PRESCRIBING HEALTH CARE PRACTITIONER;  
7 AND

8           ~~(4)~~ (III) THE PRESCRIPTION EYE DROPS PRESCRIBED BY THE  
9 HEALTH CARE PRACTITIONER ARE A COVERED BENEFIT UNDER THE POLICY OR  
10 CONTRACT OF THE INSURED.

11           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all  
12 policies, contracts, and health benefit plans issued, delivered, or renewed in the State  
13 on or after October 1, 2011.

14           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2011.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.