

# SENATE BILL 701

C3

1lr1768  
CF HB 888

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By: **Senator Klausmeier**

Introduced and read first time: February 4, 2011

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 11, 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)

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

21 **Article – Health – General**

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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 19-706.

2 (KKKK) THE PROVISIONS OF § 15-845 OF THE INSURANCE ARTICLE  
3 APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.

4 Article - Insurance

5 15-845.

6 (A) THIS SECTION APPLIES TO:

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

11 (2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE  
12 COVERAGE FOR PRESCRIPTION EYE DROPS UNDER CONTRACTS THAT ARE  
13 ISSUED OR DELIVERED IN THE STATE.

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

16 ~~(1) THE REFILL IS REQUESTED BY AN INSURED LESS THAN 30~~  
17 ~~DAYS AFTER THE LATER OF:~~

18 ~~(I) THE DATE THE ORIGINAL PRESCRIPTION WAS~~  
19 ~~DISPENSED TO THE INSURED; OR~~

20 ~~(II) THE DATE THE LAST REFILL OF THE PRESCRIPTION WAS~~  
21 ~~DISPENSED TO THE INSURED;~~

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

25 (2) IF:

26 ~~(2)~~ (1) THE PRESCRIBING HEALTH CARE PRACTITIONER  
27 INDICATES ON THE ORIGINAL PRESCRIPTION THAT ADDITIONAL QUANTITIES OF  
28 THE PRESCRIPTION EYE DROPS ARE NEEDED;

29 ~~(3)~~ (II) THE REFILL REQUESTED BY THE INSURED DOES NOT  
30 EXCEED THE NUMBER OF ADDITIONAL QUANTITIES INDICATED ON THE

1 ORIGINAL PRESCRIPTION BY THE PRESCRIBING HEALTH CARE PRACTITIONER;  
2 AND

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

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

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.