

Chapter 524

(Senate Bill 701)

AN ACT concerning

Health Insurance – Prescription Eye Drops – Refills

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

BY adding to

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

BY adding to

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

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

Article – Health – General

19–706.

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

Article – Insurance

15–845.

(A) THIS SECTION APPLIES TO:

(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE COVERAGE FOR PRESCRIPTION EYE DROPS UNDER HEALTH

INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

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

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

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

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

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

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

(2) IF:

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

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

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

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

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

Approved by the Governor, May 19, 2011.