

HOUSE No. 4195

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 25, 2016.

The committee on the Financial Services to whom were referred the petition (accompanied by bill, House, No. 825) of Mark J. Cusack and others relative to coverage for prescription eye drops under health insurance policies and the petition (accompanied by bill, House, No. 841) of Tricia Farley-Bouvier, John W. Scibak and David M. Rogers relative to insurance coverage for prescription eye drops, reports recommending that the accompanying bill (House, No. 4195) ought to pass.

For the committee,

AARON MICHLEWITZ.

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to prescription eye drops.

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 32A of the General Laws is hereby amended by inserting after
2 section 17N, as appearing in the 2014 Official Edition, the following section:-

3 Section 17O. Any coverage offered by the commission to an active or retired employee
4 of the commonwealth insured under the group insurance commission that provides coverage for
5 prescription eye drops shall provide coverage for refills of prescription eye drops in accordance
6 with the Medicare part D guidelines of early refills of topical ophthalmic products, where:

7 (1) the prescribing health care practitioner indicates on the original prescription that
8 additional quantities of the prescription eye drops are needed;

9 (2) the refill requested by the insured does not exceed the number of additional quantities
10 indicated on the original prescription by the prescribing health care practitioner; and

11 (3) the prescription eye drops prescribed by the health care practitioner are a covered
12 benefit under the policy or contract of the insured.

13 SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after
14 section 47GG, as so appearing, the following section:-

15 Section 47HH. Any policy, contract, agreement, plan or certificate of insurance issued,
16 delivered or renewed within the commonwealth that provides coverage for prescription eye drops
17 shall provide coverage for refills of prescription eye drops in accordance with the Medicare part
18 D guidelines of early refills of topical ophthalmic products, where:

19 (1) the prescribing health care practitioner indicates on the original prescription that
20 additional quantities of the prescription eye drops are needed;

21 (2) the refill requested by the insured does not exceed the number of additional quantities
22 indicated on the original prescription by the prescribing health care practitioner; and

23 (3) the prescription eye drops prescribed by the health care practitioner are a covered
24 benefit under the policy or contract of the insured.

25 SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after
26 section 8II, as so appearing, the following section:-

27 Section 8JJ. Any contract between a subscriber and the corporation under an individual or
28 group hospital service plan which is delivered, issued or renewed within the commonwealth that
29 provides coverage for prescription eye drops shall provide coverage for refills of prescription eye
30 drops in accordance with the Medicare part D guidelines of early refills of topical ophthalmic
31 products, where:

32 (1) the prescribing health care practitioner indicates on the original prescription that
33 additional quantities of the prescription eye drops are needed;

34 (2) the refill requested by the insured does not exceed the number of additional quantities
35 indicated on the original prescription by the prescribing health care practitioner; and

36 (3) the prescription eye drops prescribed by the health care practitioner are a covered
37 benefit under the policy or contract of the insured.

38 SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after
39 section 4II, as so appearing, the following section:-

40 Section 4JJ. Any contract between a subscriber and the corporation under an individual or
41 group hospital service plan which is delivered, issued or renewed within the commonwealth that
42 provides coverage for prescription eye drops shall provide coverage for refills of prescription eye
43 drops in accordance with the Medicare part D guidelines of early refills of topical ophthalmic
44 products, where:

45 (1) the prescribing health care practitioner indicates on the original prescription that
46 additional quantities of the prescription eye drops are needed;

47 (2) the refill requested by the insured does not exceed the number of additional quantities
48 indicated on the original prescription by the prescribing health care practitioner; and

49 (3) the prescription eye drops prescribed by the health care practitioner are a covered
50 benefit under the policy or contract of the insured.

51 SECTION 5. Chapter 176G of the General Laws is hereby amended by inserting after
52 section 4AA, as so appearing, the following section:-

53 Section 4BB. Any individual or group health maintenance contract that provides
54 coverage for prescription eye drops shall provide coverage for refills of prescription eye drops in

55 accordance with the Medicare part D guidelines of early refills of topical ophthalmic products,
56 where:

57 (1) the prescribing health care practitioner indicates on the original prescription that
58 additional quantities of the prescription eye drops are needed;

59 (2) the refill requested by the insured does not exceed the number of additional quantities
60 indicated on the original prescription by the prescribing health care practitioner; and

61 (3) the prescription eye drops prescribed by the health care practitioner are a covered
62 benefit under the policy or contract of the insured.

63 SECTION 6. Chapter 112 of the General Laws, as appearing in the 2014 Official Edition,
64 is hereby amended by inserting after section 12EE, the following section:-

65 Section 12FF. (a) A pharmacist may dispense a 90-day supply for a prescribed eye care
66 product where:

67 (1) the practitioner prescribed an initial 30-day prescription for the eye care product;

68 (2) the patient completed the initial 30-day prescription;

69 (3) the practitioner did not indicate on the original prescription that dispensing the
70 prescription in a specific amount with periodic refills is medically necessary; and

71 (4) the total quantity of dosage units dispensed, including refills, does not exceed the total
72 quantity of dosage units indicated by the practitioner on the prescription.

73 (b) The requirements in subsection (a) of this section shall not apply to initial
74 prescriptions for eye care products that are prescribed for a 90-day supply.

75 (c) A pharmacist shall not dispense a prescription refill under this section in excess of the
76 initial prescribed amount if the practitioner instructs otherwise, either orally or in writing.

77 (d) Within a reasonable time following an increase of supply under this section, the
78 dispensing pharmacist or the pharmacist's designee shall notify the prescribing practitioner of the
79 increase.

80 (e) This section shall not apply to eye care products listed under 21 U.S.C. Section 801.

81 (d) The provisions of this section shall not apply to prescriptions dispensed in a hospital
82 licensed under section fifty-one of chapter one hundred and eleven; and provided further that no
83 retail pharmacy, however organized, shall be exempted from the provisions of this section.