HOUSE DOCKET, NO. 1034 FILED ON: 1/14/2015

# HOUSE . . . . . No. 825

## The Commonwealth of Massachusetts

PRESENTED BY:

***Mark J. Cusack***

*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 relative to prescription eye drops.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---|---|---|
| *Mark J. Cusack* | *5th Norfolk* | *1/14/2015* |
| *Sarah K. Peake* | *4th Barnstable* | *1/29/2015* |
| *Paul R. Heroux* | *2nd Bristol* | *9/4/2019* |
| *Keiko M. Orrall* | *12th Bristol* | *9/4/2019* |
| *Barbara A. L'Italien* | *Second Essex and Middlesex* | *9/4/2019* |
| *James M. Murphy* | *4th Norfolk* | *9/4/2019* |
| *Brian M. Ashe* | *2nd Hampden* | *9/4/2019* |
| *Denise Provost* | *27th Middlesex* | *9/4/2019* |
| *Chris Walsh* | *6th Middlesex* | *9/4/2019* |

HOUSE DOCKET, NO. 1034 FILED ON: 1/14/2015

# HOUSE . . . . . No. 825

By Mr. Cusack of Braintree, a petition (accompanied by bill, House, No. 825) of Mark J. Cusack and others relative to coverage for prescription eye drops under health insurance policies. Financial Services.

## The Commonwealth of Massachusetts

**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:*

SECTION 1. Chapter 176O of the General Laws, as appearing the 2012 Official Edition, is hereby amended by inserting after section 27, the following section:-

Section 28. (a) An insurer, nonprofit health service plan, or health maintenance organization that provides coverage for prescription eye drops under health insurance policies or contracts issued or delivered in the commonwealth shall provide coverage for refills of prescription eye drops in accordance with the medicare part D guidelines of early refills of topical ophthalmic products, where:

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

(2) 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

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

(b) This section shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the commonwealth.

SECTION 2. Chapter 112 of the General Laws, as appearing in the 2012 Official Edition, is hereby amended by inserting after section 12DD, the following section:-

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

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

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

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

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

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

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

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

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

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