

S T A T E O F N E W Y O R K

10229--B

I N A S S E M B L Y

March 11, 2010

Introduced by M. of A. BING, CYMBROWITZ, CASTRO, KOON, ROSENTHAL, ZEBROWSKI -- Multi-Sponsored by -- M. of A. CRESPO, GABRYSZAK, GIBSON, GLICK, JOHN, MAYERSOHN, MCENENY, MENG, PHEFFER, ROBINSON, TITONE, TOWNS -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to prescription coverage for eye drops

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subsection (i) of section 3216 of the insurance law is
2 amended by adding a new paragraph 27 to read as follows:
3 (27) NOTWITHSTANDING TITLE ELEVEN OF ARTICLE FIVE OF THE SOCIAL
4 SERVICES LAW OR ANY OTHER LAW TO THE CONTRARY, EVERY POLICY WHICH
5 PROVIDES COVERAGE FOR PRESCRIPTION DRUGS SHALL, WITH REGARD TO EYE DROP
6 MEDICATION REQUIRING A PRESCRIPTION THAT HAS BEEN APPROVED BY THE INSUR-
7 ER FOR COVERAGE, ALLOW FOR THE LIMITED REFILLING OF THE PRESCRIPTION
8 PRIOR TO THE LAST DAY OF THE APPROVED DOSAGE PERIOD WITHOUT REGARD TO
9 ANY COVERAGE RESTRICTIONS ON EARLY REFILL OF RENEWALS. PROVIDED, HOWEV-
10 ER, THAT ANY REFILL DISPENSED PRIOR TO THE EXPIRATION OF THE PRESCRIBED
11 AND APPROVED COVERAGE PERIOD PURSUANT TO THIS PARAGRAPH, SHALL, TO THE
12 EXTENT PRACTICABLE, BE LIMITED IN QUANTITY SO AS NOT TO EXCEED THE
13 REMAINING DOSAGE INITIALLY APPROVED FOR COVERAGE. PROVIDED, FURTHER,
14 THAT SUCH LIMITED REFILLING SHALL NOT LIMIT OR RESTRICT COVERAGE WITH
15 REGARD TO ANY PREVIOUSLY OR SUBSEQUENTLY APPROVED PRESCRIPTION FOR EYE
16 DROP MEDICATION AND SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF THE
17 POLICY OTHERWISE APPLICABLE TO THIS COVERAGE. PROVIDED, FURTHER, THAT A
18 PHARMACIST MAY CONTACT THE PRESCRIBING PHYSICIAN OR HEALTH CARE PROVIDER
19 TO VERIFY THE PRESCRIPTION.
20 S 2. Subsection (k) of section 3221 of the insurance law is amended by
21 adding a new paragraph 16 to read as follows:
22 (16) NOTWITHSTANDING TITLE ELEVEN OF ARTICLE FIVE OF THE SOCIAL
23 SERVICES LAW OR ANY OTHER LAW TO THE CONTRARY, EVERY POLICY WHICH

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 PROVIDES COVERAGE FOR PRESCRIPTION DRUGS SHALL, WITH REGARD TO EYE DROP
2 MEDICATION REQUIRING A PRESCRIPTION THAT HAS BEEN APPROVED BY THE INSUR-
3 ER FOR COVERAGE, ALLOW FOR THE LIMITED REFILLING OF THE PRESCRIPTION
4 PRIOR TO THE LAST DAY OF THE APPROVED DOSAGE PERIOD WITHOUT REGARD TO
5 ANY COVERAGE RESTRICTIONS ON EARLY REFILL OF RENEWALS. PROVIDED, HOWEV-
6 ER, THAT ANY REFILL DISPENSED PRIOR TO THE EXPIRATION OF THE PRESCRIBED
7 AND APPROVED COVERAGE PERIOD PURSUANT TO THIS PARAGRAPH, SHALL, TO THE
8 EXTENT PRACTICABLE, BE LIMITED IN QUANTITY SO AS NOT TO EXCEED THE
9 REMAINING DOSAGE INITIALLY APPROVED FOR COVERAGE. PROVIDED, FURTHER,
10 THAT SUCH LIMITED REFILLING SHALL NOT LIMIT OR RESTRICT COVERAGE WITH
11 REGARD TO ANY PREVIOUSLY OR SUBSEQUENTLY APPROVED PRESCRIPTION FOR EYE
12 DROP MEDICATION AND SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF THE
13 POLICY OTHERWISE APPLICABLE TO THIS COVERAGE. PROVIDED, FURTHER, THAT A
14 PHARMACIST MAY CONTACT THE PRESCRIBING PHYSICIAN OR HEALTH CARE PROVIDER
15 TO VERIFY THE PRESCRIPTION.

16 S 3. Section 4303 of the insurance law is amended by adding a new
17 subsection (gg) to read as follows:

18 (GG) NOTWITHSTANDING TITLE ELEVEN OF ARTICLE FIVE OF THE SOCIAL
19 SERVICES LAW OR ANY OTHER LAW TO THE CONTRARY, EVERY POLICY WHICH
20 PROVIDES COVERAGE FOR PRESCRIPTION DRUGS SHALL, WITH REGARD TO EYE DROP
21 MEDICATION REQUIRING A PRESCRIPTION THAT HAS BEEN APPROVED BY THE INSUR-
22 ER FOR COVERAGE, ALLOW FOR THE LIMITED REFILLING OF THE PRESCRIPTION
23 PRIOR TO THE LAST DAY OF THE APPROVED DOSAGE PERIOD WITHOUT REGARD TO
24 ANY COVERAGE RESTRICTIONS ON EARLY REFILL OF RENEWALS. PROVIDED, HOWEV-
25 ER, THAT ANY REFILL DISPENSED PRIOR TO THE EXPIRATION OF THE PRESCRIBED
26 AND APPROVED COVERAGE PERIOD PURSUANT TO THIS SUBSECTION, SHALL, TO THE
27 EXTENT PRACTICABLE, BE LIMITED IN QUANTITY SO AS NOT TO EXCEED THE
28 REMAINING DOSAGE INITIALLY APPROVED FOR COVERAGE. PROVIDED, FURTHER,
29 THAT SUCH LIMITED REFILLING SHALL NOT LIMIT OR RESTRICT COVERAGE WITH
30 REGARD TO ANY PREVIOUSLY OR SUBSEQUENTLY APPROVED PRESCRIPTION FOR EYE
31 DROP MEDICATION AND SHALL BE SUBJECT TO THE TERMS AND CONDITIONS OF THE
32 POLICY OTHERWISE APPLICABLE TO THIS COVERAGE. PROVIDED, FURTHER, THAT A
33 PHARMACIST MAY CONTACT THE PRESCRIBING PHYSICIAN OR HEALTH CARE PROVIDER
34 TO VERIFY THE PRESCRIPTION.

35 S 4. This act shall take effect immediately and shall apply to poli-
36 cies issued, reissued, renewed, modified or amended on and after such
37 date.