

1430

2011-2012 Regular Sessions

I N   S E N A T E

January 7, 2011

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Introduced by Sens. SALAND, BONACIC -- read twice and ordered printed,  
and when printed to be committed to the Committee on Insurance

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 28 to read as follows:  
3     (28) 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 17 to read as follows:  
22    (17) NOTWITHSTANDING TITLE ELEVEN OF ARTICLE FIVE OF THE SOCIAL  
23    SERVICES LAW OR ANY OTHER LAW TO THE CONTRARY, EVERY POLICY WHICH  
24    PROVIDES COVERAGE FOR PRESCRIPTION DRUGS SHALL, WITH REGARD TO EYE DROP  
25    MEDICATION REQUIRING A PRESCRIPTION THAT HAS BEEN APPROVED BY THE INSUR-

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

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

14 S 3. Section 4303 of the insurance law is amended by adding a new  
15 subsection (hh) to read as follows:

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

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