

1219

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. BING, CYMBROWITZ, CASTRO, ROSENTHAL, ZEBROWSKI,
P. RIVERA -- Multi-Sponsored by -- M. of A. CRESPO, GABRYSZAK, GIBSON,
GLICK, MAYERSOHN, McENENY, MENG, PHEFFER, ROBINSON, TITONE, TOWNS --
read once and referred 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 ASSEM-
BLY, 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:

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

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

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

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

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