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AN ACT

RELATING TO HEALTH INSURANCE; ENACTING NEW SECTIONS OF THE HEALTH CARE PURCHASING ACT, THE HEALTH MAINTENANCE ORGANIZATION LAW AND THE NEW MEXICO INSURANCE CODE TO REQUIRE COVERAGE FOR PRESCRIPTION EYE DROP REFILLS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Health Care Purchasing Act is enacted to read:

"COVERAGE OF PRESCRIPTION EYE DROP REFILLS.--

A. Group health coverage, including any form of self-insurance, offered, issued or renewed under the Health Care Purchasing Act that provides coverage for prescription eye drops shall not deny coverage for a renewal of prescription eye drops when:

(1) the renewal is requested by the insured at least twenty-three days for a thirty-day supply of eye drops, forty-five days for a sixty-day supply of eye drops or sixty-eight days for a ninety-day supply of eye drops from the later of the date that the original prescription was dispensed to the insured or the date that the last renewal of the prescription was dispensed to the insured; and

(2) the prescriber indicates on the original prescription that additional quantities are needed and that the renewal requested by the insured does not exceed the

1 number of additional quantities needed.

2 B. As used in this section, "prescriber" means a  
3 person who is authorized pursuant to the New Mexico Drug,  
4 Device and Cosmetic Act to prescribe prescription eye drops."

5 SECTION 2. A new section of Chapter 59A, Article 22  
6 NMSA 1978 is enacted to read:

7 "COVERAGE OF PRESCRIPTION EYE DROP REFILLS.--

8 A. An individual or group health insurance policy,  
9 health care plan or certificate of health insurance that is  
10 delivered, issued for delivery or renewed in this state and  
11 that provides coverage for prescription eye drops shall not  
12 deny coverage for a renewal of prescription eye drops when:

13 (1) the renewal is requested by the insured  
14 at least twenty-three days for a thirty-day supply of eye  
15 drops, forty-five days for a sixty-day supply of eye drops or  
16 sixty-eight days for a ninety-day supply of eye drops from  
17 the later of the date that the original prescription was  
18 dispensed to the insured or the date that the last renewal of  
19 the prescription was dispensed to the insured; and

20 (2) the prescriber indicates on the original  
21 prescription that additional quantities are needed and that  
22 the renewal requested by the insured does not exceed the  
23 number of additional quantities needed.

24 B. As used in this section, "prescriber" means a  
25 person who is authorized pursuant to the New Mexico Drug,

1 Device and Cosmetic Act to prescribe prescription eye drops."

2 SECTION 3. A new section of Chapter 59A, Article 23  
3 NMSA 1978 is enacted to read:

4 "COVERAGE OF PRESCRIPTION EYE DROP REFILLS.--

5 A. A blanket or group health insurance policy or  
6 contract that is delivered, issued for delivery or renewed in  
7 this state and that provides coverage for prescription eye  
8 drops shall not deny coverage for a renewal of prescription  
9 eye drops when:

10 (1) the renewal is requested by the insured  
11 at least twenty-three days for a thirty-day supply of eye  
12 drops, forty-five days for a sixty-day supply of eye drops or  
13 sixty-eight days for a ninety-day supply of eye drops from  
14 the later of the date that the original prescription was  
15 dispensed to the insured or the date that the last renewal of  
16 the prescription was dispensed to the insured; and

17 (2) the prescriber indicates on the original  
18 prescription that additional quantities are needed and that  
19 the renewal requested by the insured does not exceed the  
20 number of additional quantities needed.

21 B. As used in this section, "prescriber" means a  
22 person who is authorized pursuant to the New Mexico Drug,  
23 Device and Cosmetic Act to prescribe prescription eye drops."

24 SECTION 4. A new section of the Health Maintenance  
25 Organization Law is enacted to read:

1 "COVERAGE OF PRESCRIPTION EYE DROP REFILLS.--

2 A. An individual or group health maintenance  
3 organization contract that is delivered, issued for delivery  
4 or renewed in this state and that provides coverage for  
5 prescription eye drops shall not deny coverage for a renewal  
6 of prescription eye drops when:

7 (1) the renewal is requested by the insured  
8 at least twenty-three days for a thirty-day supply of eye  
9 drops, forty-five days for a sixty-day supply of eye drops or  
10 sixty-eight days for a ninety-day supply of eye drops from  
11 the later of the date that the original prescription was  
12 dispensed to the insured or the date that the last renewal of  
13 the prescription was dispensed to the insured; and

14 (2) the prescriber indicates on the original  
15 prescription that additional quantities are needed and that  
16 the renewal requested by the insured does not exceed the  
17 number of additional quantities needed.

18 B. As used in this section, "prescriber" means a  
19 person who is authorized pursuant to the New Mexico Drug,  
20 Device and Cosmetic Act to prescribe prescription eye drops."

21 SECTION 5. A new section of Chapter 59A, Article 47  
22 NMSA 1978 is enacted to read:

23 "COVERAGE OF PRESCRIPTION EYE DROP REFILLS.--

24 A. An individual or group health insurance policy,  
25 health care plan or certificate of health insurance that is

1 delivered, issued for delivery or renewed in this state and  
2 that provides coverage for prescription eye drops shall not  
3 deny coverage for a renewal of prescription eye drops when:

4 (1) the renewal is requested by the insured  
5 at least twenty-three days for a thirty-day supply of eye  
6 drops, forty-five days for a sixty-day supply of eye drops or  
7 sixty-eight days for a ninety-day supply of eye drops from  
8 the later of the date that the original prescription was  
9 dispensed to the insured or the date that the last renewal of  
10 the prescription was dispensed to the insured; and

11 (2) the prescriber indicates on the original  
12 prescription that additional quantities are needed and that  
13 the renewal requested by the insured does not exceed the  
14 number of additional quantities needed.

15 B. As used in this section, "prescriber" means a  
16 person who is authorized pursuant to the New Mexico Drug,  
17 Device and Cosmetic Act to prescribe prescription eye drops."

18 SECTION 6. APPLICABILITY.--The provisions of this act  
19 shall apply to insurance policies that provide coverage for  
20 prescription eye drops and that are delivered, issued for  
21 delivery, amended, renewed or continued in this state on or  
22 after January 1, 2013.

23 SECTION 7. EFFECTIVE DATE.--The effective date of the  
24 provisions of this act is January 1, 2013. \_\_\_\_\_