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SENATE BILL 378

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

George K. Munoz

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:

"[NEW MATERIAL] 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:

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1 (1) the renewal is requested by the insured at
2 least twenty-five days from the later of the date that the
3 original prescription was distributed to the insured or the
4 date that the last renewal of the prescription was distributed
5 to the insured; and

6 (2) the prescriber indicates on the original
7 prescription that additional quantities are needed and that the
8 renewal requested by the insured does not exceed the number of
9 additional quantities needed.

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

13 SECTION 2. A new section of Chapter 59A, Article 22 NMSA
14 1978 is enacted to read:

15 "[NEW MATERIAL] COVERAGE OF PRESCRIPTION EYE DROP
16 REFILLS.--

17 A. An individual or group health insurance policy,
18 health care plan or certificate of health insurance that is
19 delivered, issued for delivery or renewed in this state and
20 that provides coverage for prescription eye drops shall not
21 deny coverage for a renewal of prescription eye drops when:

22 (1) the renewal is requested by the insured at
23 least twenty-five days from the later of the date that the
24 original prescription was distributed to the insured or the
25 date that the last renewal of the prescription was distributed

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1 to the insured; and

2 (2) the prescriber indicates on the original
3 prescription that additional quantities are needed and that the
4 renewal requested by the insured does not exceed the number of
5 additional quantities needed.

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

9 SECTION 3. A new section of Chapter 59A, Article 23 NMSA
10 1978 is enacted to read:

11 "[NEW MATERIAL] COVERAGE OF PRESCRIPTION EYE DROP
12 REFILLS.--

13 A. A blanket or group health insurance policy or
14 contract that is delivered, issued for delivery or renewed in
15 this state and that provides coverage for prescription eye
16 drops shall not deny coverage for a renewal of prescription eye
17 drops when:

18 (1) the renewal is requested by the insured at
19 least twenty-five days from the later of the date that the
20 original prescription was distributed to the insured or the
21 date that the last renewal of the prescription was distributed
22 to the insured; and

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

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1 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 4. A new section of the Health Maintenance
6 Organization Law is enacted to read:

7 "[NEW MATERIAL] COVERAGE OF PRESCRIPTION EYE DROP
8 REFILLS.--

9 A. An individual or group health maintenance
10 organization contract that is delivered, issued for delivery or
11 renewed in this state and that provides coverage for
12 prescription eye drops shall not deny coverage for a renewal of
13 prescription eye drops when:

14 (1) the renewal is requested by the insured at
15 least twenty-five days from the later of the date that the
16 original prescription was distributed to the insured or the
17 date that the last renewal of the prescription was distributed
18 to the insured; and

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

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

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1 SECTION 5. A new section of Chapter 59A, Article 47 NMSA
2 1978 is enacted to read:

3 "[NEW MATERIAL] COVERAGE OF PRESCRIPTION EYE DROP
4 REFILLS.--

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

10 (1) the renewal is requested by the insured at
11 least twenty-five days from the later of the date that the
12 original prescription was distributed to the insured or the
13 date that the last renewal of the prescription was distributed
14 to the insured; and

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

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

22 SECTION 6. APPLICABILITY.--The provisions of this act
23 shall apply to insurance policies that provide coverage for
24 prescription eye drops and that are delivered, issued for
25 delivery, amended, renewed or continued in this state on or

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1 after January 1, 2012.

2 SECTION 7. EFFECTIVE DATE.--The effective date of the
3 provisions of this act is January 1, 2012.

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