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
number of additional quantities needed.

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

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

"COVERAGE OF PRESCRIPTION EYE DROP REFILLS.--

A. An individual or group health insurance policy, health care plan or certificate of health insurance that is delivered, issued for delivery or renewed in this state and 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 number of additional quantities needed.

B. As used in this section, "prescriber" means a person who is authorized pursuant to the New Mexico Drug,
SECTION 3. A new section of Chapter 59A, Article 23 NMSA 1978 is enacted to read:

"COVERAGE OF PRESCRIPTION EYE DROP REFILLS.--

A. A blanket or group health insurance policy or contract that is delivered, issued for delivery or renewed in this state and 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 number of additional quantities needed.

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

SECTION 4. A new section of the Health Maintenance Organization Law is enacted to read:
"COVERAGE OF PRESCRIPTION EYE DROP REFILLS.--

A. An individual or group health maintenance
organization contract that is delivered, issued for delivery
or renewed in this state and 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
number of additional quantities needed.

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

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

"COVERAGE OF PRESCRIPTION EYE DROP REFILLS.--

A. An individual or group health insurance policy,
delivered, issued for delivery or renewed in this state and
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
number of additional quantities needed.

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

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

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