



## **GOOD NEWS! From your Maryland ophthalmologist and the Maryland Society of Eye Physicians & Surgeons**

### **PRESCRIPTION EYE DROP REFILL LAW ENACTED**

We are pleased to report that on May 19, 2011, Governor O'Malley signed into law Chapter 525 of the Laws of 2011, which requires many health insurers, nonprofit health service plans, and health maintenance organizations to **provide coverage for a refill of prescription eye drops** under specified circumstances. The law is intended to address those situations where a patient has had trouble rationing his or her supply of drops because of the inaccuracy of application. For example, a person with unsteady hands may find it difficult to accurately dispense the drops and may run out prior to the date of the next refill. The law is designed to ensure that the insured has continuous access to medically necessary eye drops in such cases.

There are a variety of eye diseases that require chronic therapy with medications in eye drop form. Glaucoma is the most common of these, and is also one of the leading causes of blindness – an outcome that can be avoided when patients comply with their therapy and use eye drops every single day.

It is not at all unusual for a patient to have trouble administering eye drops...getting every drop to hit the eye every time. If you drop a pill, you can always pick it up and try again. But if you miss your eye, that eye drop is lost forever.

Medication insurance plans typically pay for a one month, or a three month, supply of medication. Not a problem with a pill. But 30 drops in a bottle will invariably mean that the patient falls short, before the one month period has expired. This may mean that a glaucoma patient is only treating his or her disease 20 days a month, leaving a critical 10 days a month untreated. Patients run out of medication, and their pharmacy tells them "it is too early for a refill, come back next week."

It is for this reason that the Maryland Society of Eye Physicians and Surgeons, and your Maryland ophthalmologist, worked on legislation in 2011 that addressed this important patient safety problem.

#### ***When does the new law take effect?***

The new law took effect on October 1, 2011, and applies to all policies and contracts issued, delivered, or renewed in Maryland on and after that date.

#### ***What policies and contracts are impacted by the law?***

The law applies to many insurers, nonprofit health service plans, and HMOs that provide coverage for prescription eye drops under health insurance policies or contracts that are issued or delivered in the State of Maryland. Unfortunately, the law does not apply to the following policies or contracts:

- Any policy or contract that does not provide coverage for prescription drugs.
- Any policy or contract that is not issued or delivered in Maryland, such as a group contract issued in a state other than Maryland.
- Employer self-funded plans.

#### ***What does the new law require?***

**The new law requires that the policy or contract allow for a refill of prescription eye drops in accordance with guidance for early refills of topical ophthalmic products provided to Medicare Part D Plan (21 days), if:**

- The prescribing health care practitioner indicates on the original prescription that additional quantities of the drops are needed;
- The refill requested does not exceed the number of additional quantities indicated on the original prescription by the prescribing health care practitioner; and
- The prescription eye drops prescribed by the practitioner are a covered health benefit under the policy or contract of the insured.

*You may want to check with your own insurance plan or pharmacist to learn more about taking advantage of this important new law.*