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SENATE BILL 81

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

George K. Munoz and Terry H. McMillan

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 days for a thirty-day supply of eye drops, forty
3 days for a sixty-day supply of eye drops or sixty days for a
4 ninety-day supply of eye drops from the later of the date that
5 the original prescription was distributed to the insured or the
6 date that the last renewal of the prescription was distributed
7 to the insured; and

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

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

15 SECTION 2. A new section of Chapter 59A, Article 22 NMSA
16 1978 is enacted to read:

17 "[NEW MATERIAL] COVERAGE OF PRESCRIPTION EYE DROP
18 REFILLS.--

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

24 (1) the renewal is requested by the insured at
25 least twenty days for a thirty-day supply of eye drops, forty

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1 days for a sixty-day supply of eye drops or sixty days for a
2 ninety-day supply of eye drops from the later of the date that
3 the 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 3. A new section of Chapter 59A, Article 23 NMSA
14 1978 is enacted to read:

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

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

22 (1) the renewal is requested by the insured at
23 least twenty days for a thirty-day supply of eye drops, forty
24 days for a sixty-day supply of eye drops or sixty days for a
25 ninety-day supply of eye drops from the later of the date that

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1 the original prescription was distributed to the insured or the
2 date that the last renewal of the prescription was distributed
3 to the insured; and

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

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

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

13 "[NEW MATERIAL] COVERAGE OF PRESCRIPTION EYE DROP
14 REFILLS.--

15 A. An individual or group health maintenance
16 organization contract that is delivered, issued for delivery or
17 renewed in this state and that provides coverage for
18 prescription eye drops shall not deny coverage for a renewal of
19 prescription eye drops when:

20 (1) the renewal is requested by the insured at
21 least twenty days for a thirty-day supply of eye drops, forty
22 days for a sixty-day supply of eye drops or sixty days for a
23 ninety-day supply of eye drops from the later of the date that
24 the 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 5. A new section of Chapter 59A, Article 47 NMSA
10 1978 is enacted to read:

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

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

18 (1) the renewal is requested by the insured at
19 least twenty days for a thirty-day supply of eye drops, forty
20 days for a sixty-day supply of eye drops or sixty days for a
21 ninety-day supply of eye drops from the later of the date that
22 the original prescription was distributed to the insured or the
23 date that the last renewal of the prescription was distributed
24 to the insured; and

25 (2) the prescriber indicates on the original

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1 prescription that additional quantities are needed and that the
2 renewal requested by the insured does not exceed the number of
3 additional quantities needed.

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

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

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