
A BILL FOR AN ACT

RELATING TO EYE CARE MEDICATION COVERAGE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that many patients
2 require prescription eye drops for in-home treatment of their
3 medical conditions. When patients self-administer these eye
4 medications, a certain amount of the medication typically goes
5 unused due to spills or other factors. Eye drops are
6 notoriously hard to administer, even for those with steady
7 hands. The inadvertent wastage of eye drops is a common problem
8 among patients who cannot see, are elderly, or have arthritis,
9 or otherwise have difficulty administering eye drops.

10 Patients who run out of their eye drop medications prior to
11 the end of a prescription period may desire early refills.
12 However, some insurers deny early refills because the insurers
13 do not take into account the wastage factor in counting the
14 number of drops needed for a prescription period.

15 At least seventeen states have enacted "drop bills",
16 legislation that allow patients to refill eye drop medication
17 prescriptions early under certain conditions. These states are:



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1 Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts,
2 Minnesota, Missouri, New Hampshire, New Jersey, New Mexico, New
3 York, Oklahoma, Oregon, Texas, West Virginia, and Wisconsin.

4 The legislature recognizes that self-administration of eye
5 drops may involve some reasonable amount of waste and that early
6 prescription refills may be appropriate in some circumstances.
7 Furthermore, access to those eye drops is particularly important
8 as drug developers seek to make more treatments available in eye
9 drop form.

10 Accordingly, the purpose of this Act is to prohibit health
11 insurers from denying coverage for early refills of topical eye
12 medication prescriptions under certain conditions.

13 SECTION 2. Chapter 431, Hawaii Revised Statutes, is
14 amended by adding a new section to part I of article 10A to be
15 appropriately designated and to read as follows:

16 "§431:10A- Topical eye medication prescription
17 coverage; refills. No individual policy of accident and health
18 or sickness insurance issued in this State that provides
19 coverage for prescription topical eye medication may deny
20 coverage for the refilling of a prescription for topical eye
21 medication if:



1 (1) The medication is prescribed by a physician licensed
2 under chapter 453 or an optometrist licensed under
3 chapter 459 to treat a chronic condition of the eye;

4 (2) The refill is requested by the insured prior to the
5 last day of the prescribed dosage period and after at
6 least seventy-five per cent of the predicted days of
7 use have passed;

8 (3) The original prescription indicates that refills are
9 permitted; and

10 (4) The early refill requested by the insured does not
11 exceed the total number of refills prescribed."

12 SECTION 3. Chapter 431, Hawaii Revised Statutes, is
13 amended by adding a new section to part II of article 10A to be
14 appropriately designated and to read as follows:

15 "§431:10A- Topical eye medication prescription
16 coverage; refills. No group policy of accident and health or
17 sickness insurance issued in this State that provides coverage
18 for prescription topical eye medication may deny coverage for
19 the refilling of a prescription for topical eye medication if:



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1 (1) The medication is prescribed by a physician licensed
2 under chapter 453 or an optometrist licensed under
3 chapter 459 to treat a chronic condition of the eye;

4 (2) The refill is requested by the insured prior to the
5 last day of the prescribed dosage period and after at
6 least seventy-five per cent of the predicted days of
7 use have passed;

8 (3) The original prescription indicates that refills are
9 permitted; and

10 (4) The early refill requested by the insured does not
11 exceed the total number of refills prescribed."

12 SECTION 4. Chapter 432, Hawaii Revised Statutes, is
13 amended by adding a new section to part VI of article 1 to be
14 appropriately designated and to read as follows:

15 "§432:1- Topical eye medication prescription coverage;
16 refills. No individual or group hospital and medical service
17 plan contract or medical service corporation contract issued in
18 this State that provides coverage for prescription topical eye
19 medication may deny coverage for the refilling of a prescription
20 for topical eye medication if:



- 1 (1) The medication is prescribed by a physician licensed
2 under chapter 453 or an optometrist licensed under
3 chapter 459 to treat a chronic condition of the eye;
4 (2) The refill is requested by the member prior to the
5 last day of the prescribed dosage period and after at
6 least seventy-five per cent of the predicted days of
7 use have passed;
8 (3) The original prescription indicates that refills are
9 permitted; and
10 (4) The early refill requested by the member does not
11 exceed the total number of refills prescribed."

12 SECTION 5. Section 432D-23, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§432D-23 Required provisions and benefits.**

15 Notwithstanding any provision of law to the contrary, each
16 policy, contract, plan, or agreement issued in the State after
17 January 1, 1995, by health maintenance organizations pursuant to
18 this chapter, shall include benefits provided in sections
19 431:10-212, 431:10A-115, 431:10A-115.5, 431:10A-116, 431:10A-
20 116.2, 431:10A-116.5, 431:10A-116.6, 431:10A-119, 431:10A-120,
21 431:10A-121, 431:10A-122, 431:10A-125, 431:10A-126, 431:10A-132,



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1 431:10A-133, 431:10A-140, _____, and 431:10A-134, and
2 chapter 431M."

3 SECTION 6. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 7. New statutory material is underscored.

7 SECTION 8. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 18 2019



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Report Title:

Health Insurance; Topical Eye Medications; Refills

Description:

Prohibits health insurers from denying coverage for early refills of topical eye medication prescriptions under certain conditions.

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