

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

House Bill 4038

BY ELLINGTON, SUMMERS, BATES, FAIRCLOTH,
HOUSEHOLDER, ROHRBACH AND STANSBURY

[Originating in the House Committee on Health and
Human Resources on January 19, 2016]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §33-15-4m; to amend said code by adding thereto a new section, designated
 3 §33-16-3y; to amend said code by adding thereto a new section, designated §33-24-7m;
 4 to amend said code by adding thereto a new section, designated §33-25-8k; and to amend
 5 said code by adding thereto a new section, designated §33-25A-8m, all relating to
 6 insurance requirements for the refilling of topical eye medication; requiring a refill take
 7 place at a certain time; and establishing when a refill is permitted.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §33-15-4m; that said code be amended by adding thereto a new section,
 3 designated §33-16-3y; that said code be amended by adding thereto a new section, designated
 4 §33-24-7m; that said code be amended by adding thereto a new section, designated §33-25-8k;
 5 that said code be amended by adding thereto a new section, designated §33-25A-8m; all to read
 6 as follows:

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

§33-15-4m. Eye drop prescription refills.

1 An insurance policy issued by an insurer pursuant to this article for prescription topical eye
 2 medication may not deny coverage for the refilling of a prescription for topical eye medication
 3 when:

4 (1) The medication is to treat a chronic condition of the eye;

5 (2) The refill is requested by the insured prior to the last day of the prescribed dosage
 6 period and after at least 70% of the predicted days of use; and

7 (3) A person licensed under chapter thirty and authorized to prescribe topical eye
 8 medication indicates on the original prescription that refills are permitted and that the early refills
 9 requested by the insured do not exceed the total number of refills prescribed.

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-3y. Eye drop prescription refills.

1 An insurance policy issued by an insurer pursuant to this article for prescription topical eye
2 medication may not deny coverage for the refilling of a prescription for topical eye medication
3 when:

4 (1) The medication is to treat a chronic condition of the eye;

5 (2) The refill is requested by the insured prior to the last day of the prescribed dosage
6 period and after at least 70% of the predicted days of use; and

7 (3) A person licensed under chapter thirty and authorized to prescribe topical eye
8 medication indicates on the original prescription that refills are permitted and that the early refills
9 requested by the insured do not exceed the total number of refills prescribed.

**ARTICLE 24. HOSPITAL SERVICE CORPORATIONS, MEDICAL SERVICE
CORPORATIONS, DENTAL SERVICE CORPORATIONS AND HEALTH
SERVICE CORPORATIONS.**

§33-24-7n. Eye drop prescription refills.

1 A contract, plan or agreement issued by an insurer pursuant to this article for prescription
2 topical eye medication may not deny coverage for the refilling of a prescription for topical eye
3 medication when:

4 (1) The medication is to treat a chronic condition of the eye;

5 (2) The refill is requested by the insured prior to the last day of the prescribed dosage
6 period and after at least 70% of the predicted days of use; and

7 (3) A person licensed under chapter thirty and authorized to prescribe topical eye
8 medication indicates on the original prescription that refills are permitted and that the early refills
9 requested by the insured do not exceed the total number of refills prescribed.

ARTICLE 25. HEALTH CARE CORPORATIONS.

§33-25-8k. Eye drop prescription refills.

1 A contract, plan or agreement issued by an insurer pursuant to this article for prescription
2 topical eye medication may not deny coverage for the refilling of a prescription for topical eye
3 medication when:

4 (1) The medication is to treat a chronic condition of the eye;

5 (2) The refill is requested by the insured prior to the last day of the prescribed dosage
6 period and after at least 70% of the predicted days of use; and

7 (3) A person licensed under chapter thirty and authorized to prescribe topical eye
8 medication indicates on the original prescription that refills are permitted and that the early refills
9 requested by the insured do not exceed the total number of refills prescribed.

ARTICLE 25A. HEALTH MAINTENANCE ORGANIZATION ACT.

§33-25A-8m. Eye drop prescription refills.

1 A contract, plan or agreement issued by an insurer pursuant to this article for prescription
2 topical eye medication may not deny coverage for the refilling of a prescription for topical eye
3 medication when:

4 (1) The medication is to treat a chronic condition of the eye;

5 (2) The refill is requested by the insured prior to the last day of the prescribed dosage
6 period and after at least 70% of the predicted days of use; and

7 (3) A person licensed under chapter thirty and authorized to prescribe topical eye
8 medication indicates on the original prescription that refills are permitted and that the early refills
9 requested by the insured do not exceed the total number of refills prescribed.

NOTE: The purpose of this bill is to permit the early refill of topical eye medications.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.