GOOD NEWS! From your New Jersey Ophthalmologist and the New Jersey Academy of Ophthalmology

PRESCRIPTION EYE DROP REFILL LAW ENACTED

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 New Jersey Academy of Ophthalmologists, and your New Jersey ophthalmologist, worked on legislation in 2013 that addressed this important patient safety problem.

We are pleased to report that on May 6, 2013, Governor Christie signed into law P.L.2013, c.50, which requires many health insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for prescription eye drop refills under specified circumstances. The law is intended to address those situations in which an insured has 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 of necessary medication 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.

When does the new law take effect?  
The new law takes effect on August 4, 2013 and applies to all policies and contracts issued, delivered, or renewed in New Jersey 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 New Jersey.

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 New Jersey, such as a group contract issued in a state other than New Jersey.
- 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 Refill Edits 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.

Check with your insurance plan or pharmacist to learn more about how to participate in this important new law.