

BILL ANALYSIS

C.S.H.B. 2262
By: Gooden
Insurance
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that prescriptions for eye drops are filled in the same manner as other medications by only dispensing the amount needed to fill the prescription. Concerns have been raised regarding this practice since many people experience difficulty with the administration of eye drops, which may cause an individual to accidentally waste some of the medication and thus be without necessary medication until the prescription can be refilled. C.S.H.B. 2262 seeks to address the health risks associated with an accidental loss of certain prescription eye drops by providing for accelerated refills of such prescriptions.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2262 amends the Insurance Code to prohibit a health benefit plan that covers prescription eye drops to treat a chronic eye disease or condition from denying coverage for a refill of the eye drops because the prescription is being refilled before the date established by the plan's general prescription refill guidelines if the original prescription states that additional quantities of the eye drops are needed and the refill does not exceed the total quantity of dosage units authorized by the prescribing provider on the original prescription. The bill requires a health benefit plan to provide coverage for the refill of such prescription eye drops that is dispensed on or before the last day of the prescribed dosage period and not earlier than the 21st day after the date a prescription for a 30-day supply of eye drops is dispensed, not earlier than the 42nd day after the date a prescription for a 60-day supply of eye drops is dispensed, or not earlier than the 63rd day after the date a prescription for a 90-day supply of eye drops is dispensed. The bill applies only to a health benefit plan delivered, issued for delivery, or renewed on or after January 1, 2018.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2262 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial

differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter A, Chapter 1369, Insurance Code, is amended by adding Section 1369.0041 to read as follows:

Sec. 1369.0041. ACCELERATED REFILLS OF CERTAIN PRESCRIPTION EYE DROPS. (a) Subject to Subsection (b), a health benefit plan that covers prescription eye drops to treat a chronic eye disease or condition may not deny coverage for a refill of the eye drops because the prescription is being refilled before the date established by the plan's general prescription refill guidelines if:

(1) the original prescription states that additional quantities of the eye drops are needed; and

(2) the refill does not exceed the total quantity of dosage units authorized by the prescribing provider on the original prescription, including refills.

(b) A health benefit plan must provide coverage for the refill of a prescription for eye drops described by Subsection (a) that is dispensed on or before the last day of the prescribed dosage period and:

(1) not earlier than the 21st day after the date a prescription for a 30-day supply of eye drops is dispensed;

(2) not earlier than the 42nd day after the date a prescription for a 60-day supply of eye drops is dispensed; or

(3) not earlier than the 63rd day after the date a prescription for a 90-day supply of eye drops is dispensed.

(c) A health benefit plan may not impose a deductible, copayment, coinsurance, or other cost-sharing provision applicable to benefits for an accelerated refill under this section unless the amount of the required cost-sharing is the same as or less than the amount of the required cost-sharing applicable to benefits for other prescription drugs under the plan.

SECTION 2. Section 1369.0041, Insurance Code, as added by this Act, applies only to a health benefit plan delivered, issued for delivery, or renewed on or after January 1, 2018. A health benefit plan delivered, issued for delivery, or renewed before

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter A, Chapter 1369, Insurance Code, is amended by adding Section 1369.0041 to read as follows:

Sec. 1369.0041. ACCELERATED REFILLS OF CERTAIN PRESCRIPTION EYE DROPS. (a) Subject to Subsection (b), a health benefit plan that covers prescription eye drops to treat a chronic eye disease or condition may not deny coverage for a refill of the eye drops because the prescription is being refilled before the date established by the plan's general prescription refill guidelines if:

(1) the original prescription states that additional quantities of the eye drops are needed; and

(2) the refill does not exceed the total quantity of dosage units authorized by the prescribing provider on the original prescription, including refills.

(b) A health benefit plan must provide coverage for the refill of a prescription for eye drops described by Subsection (a) that is dispensed on or before the last day of the prescribed dosage period and:

(1) not earlier than the 21st day after the date a prescription for a 30-day supply of eye drops is dispensed;

(2) not earlier than the 42nd day after the date a prescription for a 60-day supply of eye drops is dispensed; or

(3) not earlier than the 63rd day after the date a prescription for a 90-day supply of eye drops is dispensed.

SECTION 2. Same as introduced version.

January 1, 2018, is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2017.

SECTION 3. Same as introduced version.