

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4038

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

[Passed March 12, 2016; in effect ninety days from passage.]

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2016 MAR 25 P 3: 29

FILED

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1 AN ACT 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 §33-24-7n;
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 §33-24-7n; 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.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


.....
Chairman, House Committee


.....
Chairman, Senate Committee

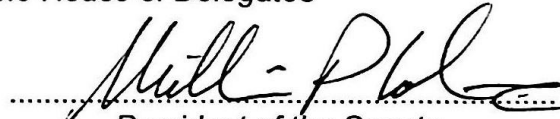
Originating in the House.

In effect ninety days from passage.

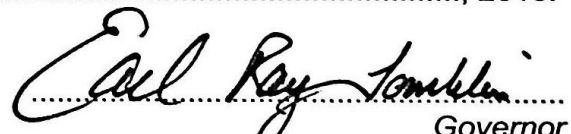

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Clerk of the House of Delegates


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Clerk of the Senate


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Speaker of the House of Delegates


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President of the Senate

The within *is approved* this the *25th*
day of *March*, 2016.


.....
Governor

PRESENTED TO THE GOVERNOR

MAR 24 2015

Time 3:44 pm