

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021

A Bill

HOUSE BILL 1450

4
5 By: Representatives Eubanks, Magie
6 By: Senator Bledsoe

For An Act To Be Entitled

9 AN ACT TO REQUIRE A HEALTH BENEFIT PLAN TO PROVIDE
10 COVERAGE FOR EARLY REFILLS OF PRESCRIPTION EYE DROPS;
11 TO ESTABLISH THE ARKANSAS COVERAGE FOR EARLY REFILLS
12 OF PRESCRIPTION EYE DROPS ACT; AND FOR OTHER
13 PURPOSES.

Subtitle

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17 TO REQUIRE A HEALTH BENEFIT PLAN TO
18 PROVIDE COVERAGE FOR EARLY REFILLS OF
19 PRESCRIPTION EYE DROPS; AND TO ESTABLISH
20 THE ARKANSAS COVERAGE FOR EARLY REFILLS
21 OF PRESCRIPTION EYE DROPS ACT.

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24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

25
26 SECTION 1. Arkansas Code Title 23, Chapter 79, is amended to add an
27 additional subchapter to read as follows:

28 Subchapter 21 – Arkansas Coverage for Early Refills of Prescription Eye Drops

29 Act

30
31 23-79-2101. Title.

32 This subchapter shall be known and may be cited as the "Arkansas
33 Coverage for Early Refills of Prescription Eye Drops Act".

34
35 23-79-2102. Definitions.

36 As used in this subchapter:



1 (1) "Covered person" means a person who is and continues to
 2 remain eligible for coverage under a health benefit plan and is covered under
 3 the health benefit plan;

4 (2)(A) "Health benefit plan" means:

5 (i) An individual, blanket, or group plan, policy,
 6 or contract for healthcare services issued or delivered by a healthcare
 7 insurer; and

8 (ii) Any health benefit program receiving state or
 9 federal appropriations from the State of Arkansas, including the Arkansas
 10 Medicaid Program and the Arkansas Works Program, or any successor program.

11 (B) "Health benefit plan" includes:

12 (i) Indemnity and managed care plans; and

13 (ii) Nonfederal governmental plans as defined in 29
 14 U.S.C. § 1002(32), as it existed on January 1, 2021.

15 (C) "Health benefit plan" does not include:

16 (i) A disability income plan;

17 (ii) A credit insurance plan;

18 (iii) Insurance coverage issued as a supplement to
 19 liability insurance;

20 (iv) A medical payment under automobile or
 21 homeowners insurance plans;

22 (v) A health benefit plan provided under Arkansas
 23 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et
 24 seq., or the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

25 (vi) A plan that provides only indemnity for
 26 hospital confinement;

27 (vii) An accident-only plan;

28 (viii) A specified disease plan;

29 (ix) A long-term-care-only plan;

30 (x) A dental-only plan; or

31 (xi) A vision-only plan;

32 (3) "Healthcare insurer" means an entity subject to the
 33 insurance laws of this state or the jurisdiction of the Insurance
 34 Commissioner that contracts or offers to contract to provide health insurance
 35 coverage, including without limitation an insurance company, a health
 36 maintenance organization, a hospital medical service corporation, a self-

1 insured governmental or church plan in this state, or the Arkansas Medicaid
 2 Program;

3 (4) "Healthcare professional" means a person who is licensed,
 4 certified, or otherwise authorized by the laws of this state to administer
 5 health care in the ordinary course of the practice of his or her profession;
 6 and

7 (5) "Prescription eye drops" means a prescription topical eye
 8 medication that is delivered through eye drops and is used to treat a chronic
 9 condition of the eye.

10
 11 23-79-2103. Prescription eye drops – Early refills – Requirements.

12 A healthcare insurer that provides coverage for prescription eye drops
 13 under a health benefit plan shall provide coverage for early refills of
 14 prescription eye drops to a covered person on and after January 1, 2022, if:

15 (1) For a thirty-day supply:

16 (A) The amount of time has passed after which a covered
 17 person should have used seventy percent (70%) of the dosage of the
 18 prescription eye drops according to a healthcare professional's instructions
 19 on the prescription; or

20 (B) Twenty-two (22) days have passed from:

21 (i) The original date the prescription eye drops
 22 were distributed to a covered person; or

23 (ii) The date the most recent refill of the
 24 prescription eye drops was distributed to a covered person;

25 (2) The healthcare professional indicates on the original
 26 prescription that additional quantities of the prescription eye drops are
 27 needed;

28 (3) A refill request of a covered person for prescription eye
 29 drops does not exceed the number of additional quantities needed as described
 30 in subdivision (2) of this section; and

31 (4) The prescription eye drops prescribed by a healthcare
 32 professional are a covered benefit under the health benefit plan of the
 33 covered person.

34
 35 SECTION 2. TEMPORARY LANGUAGE. DO NOT CODIFY. Rules.

36 (a)(1) Except as provided in subdivision (a)(2) of this section, the

1 Insurance Commissioner shall promulgate rules necessary to implement this
2 act.

3 (2) The Secretary of the Department of Human Services shall
4 promulgate rules necessary to implement this act that may apply to the
5 Arkansas Medicaid Program.

6 (b)(1) When adopting the initial rules to implement this act, the
7 final rule shall be filed with the Secretary of State for adoption under §
8 25-15-204(f):

9 (A) On or before January 1, 2022; or

10 (B) If approval under § 10-3-309 has not occurred by
11 January 1, 2022, as soon as practicable after approval under § 10-3-309.

12 (2) The commissioner and secretary shall file the proposed rule
13 with the Legislative Council under § 10-3-309(c) sufficiently in advance of
14 January 1, 2022, so that the Legislative Council may consider the rule for
15 approval before January 1, 2022.