

**2013 -- S 0537 SUBSTITUTE A**

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LC01311/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2013**

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**J O I N T   R E S O L U T I O N**

**RESPECTFULLY REQUESTING THE OFFICE OF THE HEALTH INSURANCE  
COMMISSIONER TO ENSURE THAT RHODE ISLAND INSURERS COVER TOPICAL  
OPHTHALMIC TREATMENT EARLY REFILLS IN A MANNER SIMILAR TO OR  
CONSISTENT WITH CENTERS FOR MEDICARE AND MEDICAID SERVICES (CMS)  
GUIDELINES FOR ALL COVERED INDIVIDUALS**

Introduced By: Senators Felag, Lynch, Ciccone, Lombardi, and Ottiano

Date Introduced: February 28, 2013

Referred To: Senate Health & Human Services

1           WHEREAS, According to the World Health Organization (WHO), there are an estimated  
2 45 million persons with open angle glaucoma and this figure is projected to rise to 59 million  
3 respectively by 2020; and

4           WHEREAS The National Eye Institute estimates the prevalence of open angle glaucoma  
5 in the U.S. population aged 40 and older at 1.86 percent;

6           WHEREAS Increased risk factors for open angle glaucoma include age, family history,  
7 national heritage (for example African American or Latino American heritage), having had  
8 serious eye injury or eye surgery in the past, or the taking of a corticosteroid medication;

9           WHEREAS, Early detection and treatment is critical to preventing serious vision loss as a  
10 result of glaucoma;

11           WHEREAS, Eye drops are often used in the treatment of certain chronic diseases such as  
12 glaucoma;

13           WHEREAS, Eye drops are also used to reduce the risk of infection, reduce inflammation  
14 after surgeries, and to relieve conjunctivitis and dry eyes;

15           WHEREAS, This General Assembly strongly supports early refill of prescription eye  
16 drops necessary to ensure continued access to effective treatments for individuals with eye  
17 diseases;

18           WHEREAS, The Centers for Medicare & Medicaid Services (CMS) have issued

1 regulations that authorize refills, for inadvertent spillage at a rate of 70% in a 30 day time period,  
2 allowing patients to refill at day 21 for the essential topical ophthalmic treatments; and

3 WHEREAS, The major insurers in Rhode Island have provided written assurances that  
4 their pharmacy policies allow for early refills similar to or consistent with the CMS regulations;  
5 and

6 WHEREAS, Health care professionals interested in ensuring proper dosage for treatment  
7 of eye disease may work with pharmaceutical companies that manufacture and distribute  
8 ophthalmic products to seek additional safeguards and allowances for spillage by patients,  
9 including our most vulnerable populations;

10 WHEREAS, Rhode Island healthcare providers and pharmacists may work together to  
11 continue to inform patients about coverage for early refill of medication and proper usage as  
12 prescribed and needed to ensure effective treatment and positive health outcomes; and

13 WHEREAS, While the Patient Protection and Accountability Act (PPACA) allows states  
14 to mandate health benefits for qualified health plans; however, effective January 1, 2014, the  
15 PPACA will assess costs to the states for additional benefits that are mandated after December  
16 31, 2011; now therefore be it

17 RESOLVED, The General Assembly respectfully requests that the Office of the Health  
18 Insurance Commissioner continues to ensure that Rhode Island insurers cover topical ophthalmic  
19 treatment early refills in a manner similar to or consistent with the Centers for Medicare &  
20 Medicaid Services regulations for all covered individuals; and be it further

21 RESOLVED, That the Secretary of State be and is hereby authorized and directed to  
22 transmit duly certified copies of this resolution to the Governor, the Director of the Department of  
23 Health, the Office of the Health Insurance Commissioner, the Rhode Island Society of Eye  
24 Physicians and Surgeons, and the Rhode Island Medical Society.

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