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VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend the Code of Virginia by adding a section numbered 38.2-3407.5:3, relating to health insurance; coverage for early refills of prescription eye drops.

[H 490]

Approved

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 38.2-3407.5:3 as follows:

§ 38.2-3407.5:3. Coverage for early refills of prescription eye drops.

A. As used in this section, "covered person," "health benefit plan," and "health carrier" have the same meanings as provided in § 38.2-3438.

B. No health carrier whose health benefit plan includes coverage for prescription drugs on an outpatient basis shall deny coverage to a covered person of an early refill of prescription eye drops if:

- 1. The prescription eye drops are a covered benefit;*
- 2. The amount of time that has elapsed from the previous dispensing of such prescription would result in at least 85 percent of such prescription eye drops being used if taken consistently with the prescriber's directions; and*
- 3. The prescriber has indicated that additional quantities are medically necessary and the refill requested does not exceed such additional quantity.*

C. No insurer, corporation, or health maintenance organization shall impose upon any person receiving an early refill of prescription eye drops pursuant to this section any copayment, coinsurance, fee, or other condition that is not equally imposed upon all covered persons in the same benefit category, class, coinsurance level, or copayment level.

D. Nothing in this section shall require coverage for prescription eye drops in any contract, policy, or plan that does not otherwise provide coverage for prescription drugs.

E. The provisions of this section shall not apply to short-term travel, accident-only, limited or specified disease policies, or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans, or to short-term nonrenewable policies of not more than six months' duration.

2. That the provisions of this section shall be applicable to contracts, policies, or plans delivered, issued for delivery, or renewed in the Commonwealth on and after January 1, 2027.