



The New Jersey
Academy of Ophthalmology
New Jersey Eye MDs

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On May 5, 2013, Governor Christie signed into law P.L.2013, c.50, which requires many health insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for prescription eye drop refills under specified circumstances. The New Jersey Academy of Ophthalmology (NJAO) was at the forefront of this legislation, which will ensure continuity of therapy for patients with eye and sight problems.

Enclosed you will find a patient notification created by NAJO to provide further detail on this new law, which will take effect on August 4, 2013. This notification is also available on our website. We encourage you to share this notification with your patients in order to spread further awareness on this newly extended coverage.

Please do not hesitate to contact with us with any questions.

A handwritten signature in black ink, appearing to read 'Cecily Lesko MD'. The signature is fluid and cursive, with a large loop at the end.

Cecily Lesko, MD
NJAO President



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**GOOD NEWS! From your New Jersey Ophthalmologist
and the New Jersey Academy of Ophthalmology**

PRESCRIPTION EYE DROP REFILL LAW ENACTED

There are a variety of eye diseases that require chronic therapy with medications in eye drop form. Glaucoma is the most common of these, and is also one of the leading causes of blindness – an outcome that can be avoided when patients comply with their therapy and use eye drops every single day.

It is not at all unusual for a patient to have trouble administering eye drops...getting every drop to hit the eye every time. If you drop a pill, you can always pick it up and try again. But if you miss your eye, that eye drop is lost forever.

Medication insurance plans typically pay for a one month, or a three month, supply of medication. Not a problem with a pill. But 30 drops in a bottle will invariably mean that the patient falls short, before the one month period has expired. This may mean that a glaucoma patient is only treating his or her disease 20 days a month, leaving a critical 10 days a month untreated. Patients run out of medication, and their pharmacy tells them "it is too early for a refill, come back next week."

It is for this reason that the New Jersey Academy of Ophthalmologists, and your New Jersey ophthalmologist, worked on legislation in 2013 that addressed this important patient safety problem.

We are pleased to report that on May 6, 2013, Governor Christie signed into law P.L.2013, c.50, which requires many health insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for prescription eye drop refills under specified circumstances. The law is intended to address those situations in which an insured has trouble rationing his or her supply of drops because of the inaccuracy of application. For example, a person with unsteady hands may find it difficult to accurately dispense the drops and may run out of necessary medication prior to the date of the next refill. The law is designed to ensure that the insured has continuous access to medically necessary eye drops in such cases.

When does the new law take effect?

The new law takes effect on August 4, 2013 and applies to all policies and contracts issued, delivered, or renewed in New Jersey on and after that date.

What policies and contracts are impacted by the law?

The law applies to many insurers, nonprofit health service plans, and HMOs that provide coverage for prescription eye drops under health insurance policies or contracts that are issued or delivered in the State of New Jersey.

Unfortunately, the law does not apply to the following policies or contracts:

- *Any policy or contract that does not provide coverage for prescription drugs.*
- *Any policy or contract that is not issued or delivered in New Jersey, such as a group contract issued in a state other than New Jersey.*
- *Employer self-funded plans.*

What does the new law require?

The new law requires that the policy or contract allow for a refill of prescription eye drops in accordance with Guidance for Early Refill Edits of Topical Ophthalmic Products provided to Medicare Part D Plan (21 days), if:

- The prescribing health care practitioner indicates on the original prescription that additional quantities of the drops are needed;
- The refill requested does not exceed the number of additional quantities indicated on the original prescription by the prescribing health care practitioner; and
- The prescription eye drops prescribed by the practitioner are a covered health benefit under the policy or contract of the insured.

Check with your insurance plan or pharmacist to learn more about how to participate in this important new law.



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PRESS RELEASE

FOR IMMEDIATE RELEASE

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New Jersey Enacts Important Eye Safety Legislation

New Jersey Academy of Ophthalmology Supports Eye Drop Protections

TRENTON, NJ (May 8, 2013) – New Jersey Governor Chris Christie signed important patient safety legislation into law that would ensure continuity of therapy for patients with eye and sight problems. This legislation will allow for the uninterrupted administration necessary eye medication for patients who are in need of early refills. The New Jersey Academy of Ophthalmology (NJAO), spearheaded by President Cecily Lesko MD, was at the forefront of this legislation, advocating on behalf of New Jersey patients.

"Today marks a single and significant step in preservation of sight," said Dr. Cecily Lesko. "Many diseases of the eye are treated with chronic therapy through use of medications. Glaucoma is the most common. Left untreated, it is one of the leading causes of blindness. With this effort and outcome, proper treatment remains available to more patients who will benefit personally and directly through the treasured gift of sight."

"It is not at all unusual for a young and healthy patient to have trouble administering eye drops...getting every drop to hit the eye every time. It is virtually impossible for the elderly, or those with tremors, Parkinson's, arthritis or poor sight to do this," added Lesko. "If you drop a pill, you can always pick it up and try again. We take that for granted. But if you miss your eye, that eye drop is lost forever."

A-3080, sponsored by Assembly members Schaer, Lampitt, Giblin and Mosquera, and S-2166, sponsored by Senators Madden, Sweeney, Thompson and Weinberg, requires insurance companies and health plans to provide coverage for the early refill of prescription eye drops at 70% of the predicted days of use. By way of example, for a prescribed medication with an expected duration of 30 days of use, the refills would be permitted at 21

days, instead of the usual 30 days most benefit programs allow.

This legislation is particularly significant for glaucoma patients. Anyone who has used eye drops knows how easy it is to miss or have more than one drop fall from the bottle. This new law helps ensure that people do not skip critical prescription eye drops simply because they spilled or lost some of their eye drops.

The bill was signed on May 6, 2013, by Governor Christie, and takes effect in August 2013.

The New Jersey Academy of Ophthalmology (NJAo) is an organization of over 300 practicing, board certified ophthalmologists – the only member of the eye care team who is an Eye MD. NJAo advocates the uniqueness of the profession of ophthalmology by educating both its members and the public in order to enable ophthalmologists to provide the highest quality of service to the public. The New Jersey Academy of Ophthalmologists is committed to advocating on behalf of its patients and to promoting patient safety and protecting the welfare of the people of New Jersey.

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