



# ILLINOIS SOCIETY OF EYE PHYSICIANS & SURGEONS

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## Legislative Position — HB 3137 Eye Drop Refills

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**Bill:** HB 3137 – The Topical Eye Medication Act  
*Chief sponsor:* Rep. Dan Brady; *Co-sponsors:* Reps. Ron Sandack, Laura Fine, Mary E. Flowers, Al Riley and Silvana Tabares  
*Status:* Approved by House Insurance Committee (3/17/15); 3<sup>rd</sup> Reading in the House

**Summary:** The purpose of this bill is to assure that patients with chronic eye diseases are able to obtain an adequate supply of their prescribed topical medication (eye drops), even if they run out before the end of the current prescription time. This bill requires health insurers that provide prescription drug coverage to permit refills of eye drops for treatment of chronic conditions once 75 percent of the anticipated days of use have been reached.

**ISEPS Position:** SUPPORT

**Background:** Patients with certain chronic eye diseases or conditions – such as glaucoma or dry eye – must take eye drops every day, and sometimes multiple times per day. According to studies, it is estimated that 64 percent of patients “waste” drops, using an average of 1.8 drops to actually get the medicine in the eye. Approximately 31 percent miss the eye altogether by hitting the lid or cheek. Coordination can be affected by conditions such as Parkinson’s, tremors, stroke, aging, poor vision and other factors. Only 10 percent of these patients can hit the eye with one drop without touching the bottle to the eye or lid. In addition, generic eye drop bottles may have variations in fill levels, tip sizes, etc., which affect the rate at which medicine is dispensed.

As a result of these factors, some patients may run out of their eye drops before the normal refill time. This means either going without their medicine or paying the full retail price (which could be a hundred dollars or more for a small bottle of drops) when the insurance company declines payment until the scheduled refill time.

Chronic diseases like glaucoma require continuous control of eye pressure, often through medication such as eye drops. Uncontrolled glaucoma can damage the optic nerve, and once this occurs, loss of vision – including blindness – is permanent. Chronic conditions that typically would have topical eye drop medication include glaucoma, dry eye, some inflammatory conditions and certain retina diseases. Patients with vision loss have a higher overall cost of care, and those who are blind require significantly more services, as well as potential loss of productivity.

The Federal government has adopted a policy for Medicare patients that permits a refill once 70 percent of the prescription time is reached, and eleven states have enacted similar laws. This year, besides Illinois, there are at least eight states considering bills with provisions equivalent to what is proposed in HB 3137.

**Conclusion:** The Illinois Society of Eye Physicians & Surgeons SUPPORTS passage of HB 3137. This bill will assure that patients with chronic eye disease and conditions will be able to obtain a steady supply of their topical eye medications as covered by their health insurance. This bill does not place any undue administrative or financial burdens on payors of health care, and it is consistent with federal Medicare policy, as well as laws in nearly a dozen other states.