



NDMA 2025 Policy Forum

October 3, 2025

Policy No. 1

Submitted By: Anne Keating, MD and Michelle Atchison, MD

Subject: Early Prescription Eye Drop Refills in North Dakota

Summary:

Access to prescription medication refills prior to expiration of the intended period.

Relevant Information:

Many patients rely on a variety of prescription eye medications for the preservation of sight. particularly, those suffering from glaucoma and other degenerative eye diseases require prescription eye drops on a daily basis. The effectiveness of prescription eye drops relies heavily upon continuity of treatment, specifically consistent daily usage by the patient.

Presently, many patients run out of their prescription eye drops well before the expiration of the intended period of use denoted on the prescription label. This is particularly problematic for elderly patients with unsteady hands. However, even those using the utmost care in storing and using the eye drops find it nearly impossible to ration the medication to last the period of intended use. When a patient's prescription medication runs out before the expiration of the intended period of use and returns to their pharmacist seeking a refill of the prescription, the insurance company denies coverage, and the patient is turned away empty-handed.

Furthermore, many of these medications are not yet available in generic form and are very costly, thereby prohibiting patients from paying for the necessary prescription out of pocket, which disproportionately burdens our elderly and infirm. Unfortunately, many patients are unable to utilize the entirety of the medication because of shaky hands or a defect in the product's dispensing mechanism.

Failing to provide sensible refill and insurance coverage policies prohibits continuity of care and puts patients at risk. Therefore, to ensure that patients who have prescription drug coverage continue to receive this vital treatment, it is necessary to require coverage for the limited refilling of prescription eye drops without regard to coverage restrictions for early refill of renewals. This legislation will provide much-needed protection for those who rely on prescription eyedrops for the preservation of sight.

Thirty-one states have already passed Early Eye Drop Refill Laws. In addition, the Centers for Medicare and Medicaid Services (CMS) has issued guidance to Medicare Part D sponsors on the application of early eye drop refills for Medicare beneficiaries.

Proposed Action:

NDMA supports insurance coverage for early prescription refills of eyedrops when deemed medically appropriate. NDMA should take action to file a bill to join the 31 states in protecting patients' access to early refills.

Adopted November 25, 2025

Joan M. Connell, MD

Policy Forum Chair