

July 20, 2006

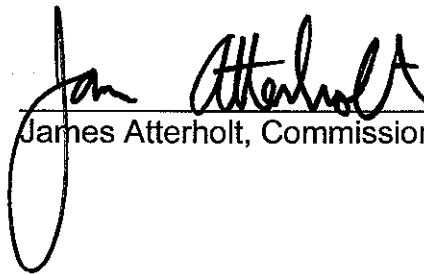
Bulletin 140

Prescriptions, DEA Numbers and Indiana Optometrists

This bulletin is directed to all insurers writing accident and sickness insurance in Indiana. It has come to the attention of the Department of Insurance that some insurers are declining coverage for prescriptions ordered by optometrists on the basis that the optometrist does not have a DEA number. This issue has been addressed in several jurisdictions. All jurisdictions agree that this is not a proper basis for denying an insured's claim for a prescription drug. The DEA has provided guidance that the numbers it issues are not for identification purposes, and in fact are only to be used by properly licensed individuals for the prescribing of controlled substances.

Pursuant to IC 25-26-15 optometrists have the authority to prescribe medications. IC 27-8-6-1 makes clear that reimbursement for services provided by an optometrist shall be provided on an equal basis as a physician licensed under IC 25. Requiring a DEA number from a licensed provider, when the prescription in question is not a controlled substance and therefore does not require a DEA number is discriminatory, as it treats providers who can receive DEA numbers differently than those who cannot. Insurers should not be denying coverage for prescriptions issued by optometrists for the failure to have a DEA number. An insurer that engages in this type of activity will be subject to administrative action and penalties under IC 27-4-1.

INDIANA DEPARTMENT OF INSURANCE

A handwritten signature in black ink, appearing to read "James Atterholt", is written over a horizontal line. The signature is stylized and cursive.

James Atterholt, Commissioner