

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1865 Session of
2009

INTRODUCED BY BURNS, DeLUCA, BELFANTI, BISHOP, BOBACK, BRADFORD, BRIGGS, D. COSTA, DONATUCCI, FRANKEL, FREEMAN, GALLOWAY, GERBER, GOODMAN, GRUCELA, HALUSKA, HARHART, HENNESSEY, HESS, HORNAMAN, JOHNSON, JOSEPHS, KORTZ, KULA, MAHONEY, McGEEHAN, MURPHY, PALLONE, PHILLIPS, QUINN, READSHAW, REICHLEY, SABATINA, SANTONI, SIPTROTH, K. SMITH, SOLOBAY, R. TAYLOR, WALKO, YOUNGBLOOD, MENSCH, MURT, GIBBONS AND BOYLE, JULY 16, 2009

AS REPORTED FROM COMMITTEE ON INSURANCE, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 21, 2010

AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An
2 act relating to insurance; amending, revising, and
3 consolidating the law providing for the incorporation of
4 insurance companies, and the regulation, supervision, and
5 protection of home and foreign insurance companies, Lloyds
6 associations, reciprocal and inter-insurance exchanges, and
7 fire insurance rating bureaus, and the regulation and
8 supervision of insurance carried by such companies,
9 associations, and exchanges, including insurance carried by
10 the State Workmen's Insurance Fund; providing penalties; and
11 repealing existing laws," providing for oncology benefit
12 design.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. The act of May 17, 1921 (P.L.682, No.284), known
16 as The Insurance Company Law of 1921, is amended by adding a
17 section to read:

18 ~~Section 631.1. Oncology Benefit Design. (a) All individual~~ ←
19 ~~or group health insurance policies offered by an insurer that~~

~~1 provides coverage for intravenously administered cancer
2 chemotherapy that also provides coverage for orally administered
3 cancer chemotherapy shall provide such coverage on equal terms
4 to the insured. This shall include equalizing the copayments,
5 deductibles, coinsurance provisions and maximum out of pocket
6 limits without regard as to how the chemotherapy is
7 administered.~~

~~8 (b) This section shall apply to all health insurance
9 policies offered, issued or renewed on or after July 1, 2010, in
10 this Commonwealth. This section shall not include the following
11 policies:~~

~~12 (1) Accident only.~~

~~13 (2) Fixed indemnity.~~

~~14 (3) Limited benefit.~~

~~15 (4) Credit.~~

~~16 (5) Dental.~~

~~17 (6) Vision.~~

~~18 (7) Specified disease.~~

~~19 (8) Medicare supplement.~~

~~20 (9) CHAMPUS (Civilian Health and Medical Program of the
21 Uniformed Services) supplement.~~

~~22 (10) Long term care or disability income.~~

~~23 (11) Long term care.~~

~~24 (12) Workers' compensation.~~

~~25 (13) Automobile medical payment.~~

~~26 (c) The term "cancer chemotherapy" when used in this section
27 means medication that is prescribed by a physician for the
28 purpose of killing or slowing the growth of cancer cells.~~

~~29 (d) The term "insurer" when used in this section means a
30 company or health insurance entity licensed in this Commonwealth~~

1 ~~to issue any individual or group health, sickness or accident~~
2 ~~policy or subscriber contract or certificate or plan that~~
3 ~~provides medical or health care coverage by a health care~~
4 ~~facility or licensed health care provider that is offered or~~
5 ~~governed under this act or any of the following:~~

6 ~~(1) The act of December 29, 1972 (P.L.1701, No.364), known~~
7 ~~as the "Health Maintenance Organization Act."~~

8 ~~(2) The act of May 18, 1976 (P.L.123, No.54), known as the~~
9 ~~"Individual Accident and Sickness Insurance Minimum Standards~~
10 ~~Act."~~

11 ~~(3) 40 Pa.C.S. Ch. 61 (relating to hospital plan~~
12 ~~corporations) or 63 (relating to professional health services~~
13 ~~plan corporations).~~

14 SECTION 631.1. ONCOLOGY BENEFIT DESIGN.--(A) INDIVIDUAL OR ←
15 GROUP HEALTH INSURANCE POLICIES OFFERED BY AN INSURER PROVIDING
16 COVERAGE FOR INTRAVENOUSLY ADMINISTERED CANCER CHEMOTHERAPY THAT
17 ALSO PROVIDE COVERAGE FOR ORALLY ADMINISTERED CANCER
18 CHEMOTHERAPY SHALL PROVIDE ORALLY ADMINISTERED CANCER
19 CHEMOTHERAPY WITH NO LESS FAVORABLE PATIENT COST-SHARING THAN
20 FOR COVERED INTRAVENOUSLY ADMINISTERED CHEMOTHERAPY.
21 THIS SHALL INCLUDE COPAYMENTS, DEDUCTIBLES, COINSURANCE
22 PROVISIONS AND MAXIMUM OUT-OF-POCKET LIMITS THAT ARE BASED UPON
23 HOW THE CHEMOTHERAPY IS ADMINISTERED TO THE PATIENT.

24 (B) THIS SECTION SHALL APPLY TO INDIVIDUAL OR GROUP HEALTH
25 INSURANCE POLICIES OFFERED BY AN INSURER THAT MAY OFFER COVERAGE
26 FOR ORALLY ADMINISTERED OR INJECTED CHEMOTHERAPY AS PART OF A
27 PRESCRIPTION DRUG BENEFIT. THIS SHALL INCLUDE OFFERINGS MADE
28 DIRECTLY THROUGH THE INSURER OR AN ENTITY THAT INSURER HAS
29 CONTRACTED WITH TO PROVIDE, DELIVER, ARRANGE FOR OR REIMBURSE
30 FOR COVERAGE.

1 (C) COMPLIANCE WITH THIS SECTION CANNOT BE ACHIEVED BY
2 IMPOSING AN INCREASE IN PATIENT OUT-OF-POCKET COSTS FOR
3 CURRENTLY COVERED CHEMOTHERAPY AGENTS REGARDLESS OF THE FORM OF
4 ADMINISTRATION.

5 (D) THIS SECTION SHALL APPLY TO HEALTH INSURANCE POLICIES
6 OFFERED, ISSUED OR RENEWED ON OR AFTER JULY 1, 2011, IN THIS
7 COMMONWEALTH. THIS SECTION SHALL NOT INCLUDE THE FOLLOWING
8 POLICIES:

9 (1) ACCIDENT ONLY.

10 (2) FIXED INDEMNITY.

11 (3) LIMITED BENEFIT.

12 (4) CREDIT.

13 (5) DENTAL.

14 (6) VISION.

15 (7) MEDICARE SUPPLEMENT.

16 (8) CHAMPUS (CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE
17 UNIFORMED SERVICES) SUPPLEMENT.

18 (9) LONG-TERM CARE OR DISABILITY INCOME.

19 (10) LONG-TERM CARE.

20 (11) WORKERS' COMPENSATION.

21 (12) AUTOMOBILE MEDICAL PAYMENT.

22 (E) THE TERM "CANCER CHEMOTHERAPY" WHEN USED IN THIS SECTION
23 MEANS MEDICATION THAT IS PRESCRIBED BY A PHYSICIAN FOR THE
24 PURPOSE OF KILLING OR SLOWING THE GROWTH OF CANCER CELLS.

25 (F) THE TERM "INSURER" WHEN USED IN THIS SECTION MEANS A
26 COMPANY OR HEALTH INSURANCE ENTITY LICENSED IN THIS COMMONWEALTH
27 TO ISSUE INDIVIDUAL OR GROUP HEALTH, SICKNESS OR ACCIDENT POLICY
28 OR SUBSCRIBER CONTRACT OR CERTIFICATE OR PLAN THAT PROVIDES
29 MEDICAL OR HEALTH CARE COVERAGE BY A HEALTH CARE FACILITY OR
30 LICENSED HEALTH CARE PROVIDER THAT IS OFFERED OR GOVERNED UNDER

1 THIS ACT OR THE FOLLOWING:

2 (1) THE ACT OF DECEMBER 29, 1972 (P.L.1701, NO.364), KNOWN
3 AS THE "HEALTH MAINTENANCE ORGANIZATION ACT."

4 (2) THE ACT OF MAY 18, 1976 (P.L.123, NO.54), KNOWN AS THE
5 "INDIVIDUAL ACCIDENT AND SICKNESS INSURANCE MINIMUM STANDARDS
6 ACT."

7 (3) 40 PA.C.S. CH. 61 (RELATING TO HOSPITAL PLAN
8 CORPORATIONS) OR 63 (RELATING TO PROFESSIONAL HEALTH SERVICES
9 PLAN CORPORATIONS).

10 Section 2. This act shall take effect ~~in 60 days~~ JULY 1,
11 2011.

