

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 402 Session of 2013

INTRODUCED BY TOMLINSON, PILEGGI, MCILHINNEY, RAFFERTY,
GREENLEAF, MENSCH, ERICKSON, COSTA, BREWSTER, BOSCOLA,
FARNESE, SCHWANK, YUDICHAK, WASHINGTON, TARTAGLIONE, FERLO,
DINNIMAN, VULAKOVICH, LEACH, FONTANA, SOLOBAY, YAW, WARD AND
FOLMER, FEBRUARY 4, 2013

REFERRED TO BANKING AND INSURANCE, FEBRUARY 4, 2013

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," in health and accident insurance,
12 providing for coverage for orally administered anticancer
13 medications.

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

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

19 Section 635.7. Coverage for Orally Administered Anticancer
20 Medications.--(a) Every policy shall provide coverage for
21 prescribed, orally administered anticancer medications used to
22 kill or slow the growth of cancerous cells. The coverage may be

1 subject to copays, coinsurance or deductibles if the copays,
2 coinsurance or deductibles are at least as favorable to an
3 insured as the copays, coinsurance or deductibles that apply to
4 coverage for intravenous or injected anticancer medications.

5 (b) An insurer providing coverage under this section and any
6 participating entity through which the insurer offers health
7 services may not do any of the following:

8 (1) Vary the terms of the policy for the purpose or with the
9 effect of avoiding compliance with this section.

10 (2) Provide incentives to encourage a covered person to
11 accept less than the minimum protections available under this
12 section.

13 (3) Penalize or reduce or limit the compensation of a health
14 care practitioner for recommending or providing care to a
15 covered person in accordance with this section.

16 (4) Provide incentives to a health care practitioner
17 relating to the services provided under this section intended to
18 induce or have the effect of inducing the practitioner to
19 provide care to a covered person in a manner inconsistent with
20 this section.

21 (5) Achieve compliance with this section by imposing an
22 increase in cost sharing for an intravenous or injected
23 anticancer medication.

24 (c) This section shall apply as follows:

25 (1) This section shall apply to any health insurance policy
26 offered, issued or renewed on or after the effective date of
27 this section in this Commonwealth to groups of fifty-one (51) or
28 more employees, except that this section shall not include the
29 following policies:

30 (i) Accident only.

1 (ii) Fixed indemnity.

2 (iii) Limited benefit.

3 (iv) Credit.

4 (v) Dental.

5 (vi) Vision.

6 (vii) Specified disease.

7 (viii) Medicare supplement.

8 (ix) CHAMPUS (Civilian Health and Medical Program of the
9 Uniformed Services) supplement.

10 (x) Long-term care or disability income.

11 (xi) Workers' compensation.

12 (xii) Automobile medical payment.

13 (2) This section shall apply to any contract executed on or
14 after the effective date of this section, by the adult basic
15 coverage insurance program established under Chapter 13 of the
16 act of June 26, 2001 (P.L.755, No.77), known as the "Tobacco
17 Settlement Act," or by the Children's Health Care Program
18 established under this act, or by any successor program of
19 either of them.

20 (d) As used in this section:

21 (1) "Government program" means any of the following:

22 (i) The Commonwealth's medical assistance program
23 established under the act of June 13, 1967 (P.L.31, No.21),
24 known as the "Public Welfare Code."

25 (ii) The adult basic coverage insurance program established
26 under Chapter 13 of the act of June 26, 2001 (P.L.755, No.77),
27 known as the "Tobacco Settlement Act."

28 (iii) The Children's Health Care Program established under
29 this act.

30 (2) "Health insurance policy" means any group health,

sickness or accident policy, or subscriber contract or
certificate offered, issued or renewed by an entity subject to
one of the following:

(i) This act.

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

(iii) 40 Pa.C.S. Ch. 61 (relating to hospital plan
corporations) or 63 (relating to professional health services
plan corporations).

(3) "Insurer" means any entity offering a health insurance
policy as defined in this section.

(4) "Policy" means a health insurance policy or government
program delivered or issued for delivery in this Commonwealth
that provides all of the following:

(i) Medical, major medical or similar comprehensive-type
coverage.

(ii) Coverage for prescription drugs.

(iii) Coverage for cancer chemotherapy treatment.

Section 2. The Insurance Department may adopt regulations to
administer and enforce section 635.7 of the act.

Section 3. This act shall take effect in 60 days.