

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 427 Session of 2019

INTRODUCED BY BENNINGHOFF, BARRAR, BERNSTINE, CALTAGIRONE, CAUSER, CIRESI, T. DAVIS, DONATUCCI, FREEMAN, HERSHEY, LONGIETTI, McCLINTON, McNEILL, MILLARD, MURT, OBERLANDER, PICKETT, READSHAW, ROTHMAN, RYAN, SAYLOR, WARREN, WHEELAND, ZIMMERMAN AND DeLUCA, FEBRUARY 11, 2019

AS REPORTED FROM COMMITTEE ON HEALTH, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 25, 2019

AN ACT

1 Providing for health insurance coverage requirements for stage
2 four, advanced metastatic cancer.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Fair Access
7 to Cancer Treatment Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "ASSOCIATED CONDITION." A SERIOUS CANCER-RELATED CONDITION <--
13 THAT, IN THE JUDGMENT OF THE HEALTH CARE PRACTITIONER, IS CAUSED
14 BY THE CANCER OR CANCER TREATMENT AND WHICH FURTHER JEOPARDIZES
15 THE HEALTH OF A PATIENT IF LEFT UNTREATED.

16 "Enrollee." Any policyholder, subscriber, covered person or

1 other individual who is entitled to receive health care services
2 under a health insurance ~~plan~~ POLICY. <--

3 "Health insurance carrier." An entity that offers or issues
4 a health insurance ~~plan~~ POLICY and is subject to any of the <--
5 following:

6 (1) The act of May 17, 1921 (P.L.682, No.284), known as
7 The Insurance Company Law of 1921, INCLUDING SECTION 630 AND <--
8 ARTICLE XXIV OF THE ACT.

9 (2) The act of December 29, 1972 (P.L.1701, No.364),
10 known as the Health Maintenance Organization 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 "Health insurance ~~plan~~ POLICY." A policy, contract, <--
15 certificate or agreement offered ~~or~~, issued OR RENEWED by a <--
16 health insurance carrier to provide ~~for the costs of~~ COVERAGE <--
17 FOR health care services. The term does not include the
18 following types of policies:

19 (1) Accident only.

20 (2) Limited benefit.

21 (3) Credit.

22 (4) Vision.

23 (5) Dental.

24 (6) Specified disease.

25 (7) Civilian Health and Medical Program of the Uniformed
26 Services (CHAMPUS) supplement.

27 (8) Long-term care or disability income.

28 (9) Workers' compensation.

29 (10) Automobile medical payment.

30 (11) Fixed indemnity.

1 "Stage four, advanced metastatic cancer." Cancer that has
2 spread from the primary or original site of the cancer to nearby
3 tissues, lymph nodes or other areas or parts of the body.

4 Section 3. Utilization management for stage four, advanced
5 metastatic cancer drugs.

6 A health insurance carrier or health insurance ~~plan~~ POLICY <--
7 that, directly or indirectly, covers the treatment of stage
8 four, advanced metastatic cancer ~~shall~~ MAY not require an <--
9 enrollee to first fail to successfully respond to a different
10 drug, or prove a history of failure in use of a different drug,
11 before providing coverage for a drug to which BOTH OF the <--
12 following apply:

13 (1) The drug is approved by the United States Food and
14 Drug Administration FOR THIS INDICATION. <--

15 (2) The use of the drug is consistent with the best
16 practices for the treatment of stage four, advanced
17 metastatic cancer OR ASSOCIATED CONDITION. <--

18 Section 4. Applicability.

19 ~~This act shall apply to insurance plans issued, delivered or~~ <--
20 ~~renewed on or after the effective date of this section.~~ THIS ACT <--
21 SHALL APPLY AS FOLLOWS:

22 (1) FOR A HEALTH INSURANCE POLICY FOR WHICH EITHER RATES
23 OR FORMS ARE REQUIRED TO BE FILED WITH THE FEDERAL GOVERNMENT
24 OR THE INSURANCE DEPARTMENT, THIS ACT SHALL APPLY TO ANY
25 POLICY FOR WHICH A FORM OR RATE IS FIRST FILED ON OR AFTER
26 180 DAYS AFTER THE DATE OF ENACTMENT OF THIS ACT.

27 (2) FOR A HEALTH INSURANCE POLICY FOR WHICH NEITHER
28 RATES NOR FORMS ARE REQUIRED TO BE FILED WITH THE FEDERAL
29 GOVERNMENT OR THE INSURANCE DEPARTMENT, THIS ACT SHALL APPLY
30 TO ANY POLICY ISSUED OR RENEWED ON OR AFTER 180 DAYS AFTER

1 THE DATE OF ENACTMENT OF THIS ACT.

2 Section 5. Effective date.

3 This act shall take effect in 60 days.