

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 623 Session of 2011

INTRODUCED BY BURNS, DeLUCA, BARRAR, BISHOP, BOBACK, BRADFORD, BRIGGS, CALTAGIRONE, COHEN, D. COSTA, CURRY, FABRIZIO, FLECK, FREEMAN, GOODMAN, HALUSKA, HARHART, HARKINS, HARRIS, HENNESSEY, HESS, HORNAMAN, JOSEPHS, KORTZ, KULA, LONGIETTI, MAHONEY, MANN, MATZIE, McGEEHAN, METZGAR, MILLARD, MIRABITO, MYERS, M. O'BRIEN, PASHINSKI, PAYTON, QUINN, READSHAW, REICHLEY, SABATINA, SANTONI, J. TAYLOR, THOMAS, WAGNER AND YOUNGBLOOD, FEBRUARY 14, 2011

REFERRED TO COMMITTEE ON INSURANCE, FEBRUARY 14, 2011

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) Individual or
19 group health insurance policies offered by an insurer providing
20 coverage for intravenously administered cancer chemotherapy that

1 also provide coverage for orally administered cancer
2 chemotherapy shall provide orally administered cancer
3 chemotherapy with no less favorable patient cost-sharing than
4 for covered intravenously administered chemotherapy. This shall
5 include copayments, deductibles, coinsurance provisions and
6 maximum out-of-pocket limits that are based upon how the
7 chemotherapy is administered to the patient.

8 (b) This section shall apply to individual or group health
9 insurance policies offered by an insurer that may offer coverage
10 for orally administered or injected chemotherapy as part of a
11 prescription drug benefit. This shall include offerings made
12 directly through the insurer or an entity that insurer has
13 contracted with to provide, deliver, arrange for or reimburse
14 for coverage.

15 (c) Compliance with this section cannot be achieved by
16 imposing cost increases to patients for their out-of-pocket
17 costs for those patients currently receiving covered
18 chemotherapy agents regardless of the form of administration.

19 (d) This section shall apply to health insurance policies
20 offered, issued or renewed on or after July 1, 2011, in this
21 Commonwealth. This section shall not include the following
22 policies:

23 (1) Accident only.

24 (2) Fixed indemnity.

25 (3) Limited benefit.

26 (4) Credit.

27 (5) Dental.

28 (6) Vision.

29 (7) Medicare supplement.

30 (8) CHAMPUS (Civilian Health and Medical Program of the

Uniformed Services) supplement.

(9) Long-term care or disability income.

(10) Long-term care.

(11) Workers' compensation.

(12) Automobile medical payment.

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

(f) The term "insurer" when used in this section means a company or health insurance entity licensed in this Commonwealth to issue individual or group health, sickness or accident policy or subscriber contract or certificate or plan that provides medical or health care coverage by a health care facility or licensed health care provider that is offered or governed under this act or the following:

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

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

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

Section 2. This act shall take effect July 1, 2013.