

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 60 Session of 2015

INTRODUCED BY BAKER, BENNINGHOFF, COHEN, TOEPEL, V. BROWN, FREEMAN, BARRAR, BROWNLEE, LONGIETTI, KILLION, SAMUELSON, DIGIROLAMO, TOPPER, RAPP, CAUSER, A. HARRIS, KNOWLES, KAUFFMAN, OBERLANDER, D. COSTA, MILLARD, WATSON, CUTLER, EVERETT, MURT, JAMES, DeLUCA, HAHN, GABLER, GINGRICH, ZIMMERMAN AND PICKETT, JANUARY 21, 2015

REFERRED TO COMMITTEE ON HEALTH, JANUARY 21, 2015

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 casualty insurance, providing
 12 for coverage for oral anticancer medications.

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. Coverage for Oral Anticancer Medications.--

19 (a) Whenever a health insurance policy provides coverage that
 20 includes coverage for cancer chemotherapy or anticancer
 21 medications which have been approved by the United States Food

1 and Drug Administration for general use in the treatment of
2 cancer, the policy shall not provide coverage or impose cost
3 sharing for a prescribed, orally administered anticancer
4 medication on a less favorable basis than the coverage it
5 provides or cost sharing it imposes for intravenously
6 administered or injected cancer medications.

7 (b) A health insurance policy shall not comply with this
8 section by imposing an increase in cost sharing solely for
9 orally administered, intravenously administered or injected
10 cancer medications.

11 (c) The prohibitions in subsections (a) and (b) do not
12 preclude a health insurance policy from requiring an enrollee to
13 obtain prior authorization before orally administered anticancer
14 medication is dispensed to the enrollee.

15 (d) This section shall apply to those health insurance
16 policies issued or entered into or renewed on or after the
17 effective date of this section.

18 (e) As used in this section:

19 "Anticancer medication" means a drug or biological product
20 that is used to kill, slow or prevent the growth of cancerous
21 cells.

22 "Cost sharing" means the cost to an individual insured under
23 a health insurance policy according to any coverage limit,
24 copayment, coinsurance, deductible or other out-of-pocket
25 expense requirements imposed by the policy, contract or
26 agreement.

27 "Health insurance policy" means any individual or group
28 health, sickness or accident policy, or subscriber contract or
29 certificate offered, issued or renewed by an entity subject to
30 one of the following:

1 (1) This act.

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

4 (3) 40 Pa.C.S. Ch. 61 (relating to hospital plan
5 corporations) or 63 (relating to professional health services
6 plan corporations).

7 The term does not include accident only, fixed indemnity,
8 limited benefit, credit, dental, vision, specified disease,
9 Medicare supplement, Civilian Health and Medical Program of the
10 Uniformed Services (CHAMPUS) supplement, long-term care or
11 disability income, workers' compensation or automobile medical
12 payment insurance.

13 Section 2. The addition of section 631.1 of the act applies
14 as follows:

15 (1) For health insurance policies for which either rates
16 or forms are required to be filed with the Insurance
17 Department or the Federal Government, section 631.1 of the
18 act shall apply to any such policy for which a form or rate
19 is first filed on or after the effective date of this
20 section.

21 (2) For health insurance policies for which neither
22 rates nor forms are required to be filed with the Insurance
23 Department or the Federal Government, section 631.1 of the
24 act shall apply to any such policy issued or renewed on or
25 after 180 days after the effective date of this section.

26 Section 3. This act shall take effect immediately.