

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 536 Session of 2015

INTRODUCED BY TOMLINSON, VANCE, GREENLEAF, YAW, FONTANA, MENSCH, YUDICHAK, SCHWANK, BREWSTER, PILEGGI, KITCHEN, WARD, VULAKOVICH, BOSCOLA, TARTAGLIONE, COSTA, FOLMER, RAFFERTY, SMUCKER, ARGALL, LEACH, DINNIMAN, WILLIAMS, BARTOLOTTA, AUMENT, BROOKS, TEPLITZ, McILHINNEY, BAKER, ALLOWAY, BLAKE, HAYWOOD, HUTCHINSON, HUGHES, STEFANO, WOZNIAK, VOGEL, FARNESE, SABATINA, McGARRIGLE AND SCAVELLO, FEBRUARY 25, 2015

SENATOR WHITE, BANKING AND INSURANCE, AS AMENDED, JUNE 25, 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 CHEMOTHERAPY 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 CHEMOTHERAPY <--
19 Medications.--(a) Whenever a health insurance policy provides
20 coverage that includes coverage for cancer chemotherapy or <--

1 ~~anticancer~~ INTRAVENOUSLY ADMINISTERED OR INJECTED CHEMOTHERAPY <--
2 medications which have been approved by the United States Food
3 and Drug Administration for general use in the treatment of
4 cancer, the policy shall not provide coverage or impose cost
5 sharing for a prescribed, orally administered ~~anticancer~~ <--
6 CHEMOTHERAPY medication on a less favorable basis than the <--
7 coverage it provides or cost sharing it imposes for
8 intravenously administered or injected ~~cancer~~ CHEMOTHERAPY <--
9 medications.

10 (b) A health insurance policy shall not comply with this
11 section by imposing an increase in cost sharing solely for
12 orally administered, intravenously administered or injected
13 ~~cancer medications~~ CHEMOTHERAPY MEDICATIONS GREATER THAN THE <--
14 POLICY'S COST-SHARING PROVISIONS FOR MEDICAL BENEFITS GENERALLY.

15 (c) The prohibitions in subsections (a) and (b) do not
16 preclude a health insurance policy from requiring an enrollee to
17 obtain prior authorization before orally administered ~~anticancer~~ <--
18 CHEMOTHERAPY medication is dispensed to the enrollee. <--

19 (D) THIS SECTION SHALL APPLY ONLY TO ORAL CHEMOTHERAPY <--
20 MEDICATIONS WHERE AN INTRAVENOUSLY ADMINISTERED OR INJECTED
21 CHEMOTHERAPY MEDICATION IS NOT EQUALLY MEDICALLY EFFECTIVE.

22 (E) THIS SECTION SHALL APPLY TO A HIGH DEDUCTIBLE HEALTH
23 PLAN, AS DEFINED BY SECTION 223(C) (2) OF THE INTERNAL REVENUE
24 CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 223(C) (2)), ONLY
25 AFTER THE COVERED PERSON'S DEDUCTIBLE HAS BEEN SATISFIED FOR THE
26 YEAR.

27 ~~(d)~~ (F) This section shall apply to those health insurance <--
28 policies issued or entered into or renewed on or after the
29 effective date of this section.

30 ~~(e)~~ (G) As used in this section: <--

1 ~~"Anticancer "CHEMOTHERAPY medication" means a drug or~~ <--
2 ~~biological product that is used to kill, slow or prevent~~
3 ~~MEDICATION PRESCRIBED BY A TREATING PHYSICIAN THAT IS NECESSARY~~ <--
4 ~~TO KILL OR SLOW the growth of cancerous cells.~~

5 "Cost sharing" means the cost to an individual insured under
6 a health insurance policy according to any coverage limit,
7 copayment, coinsurance, deductible or other out-of-pocket
8 expense requirements imposed by the policy, contract or
9 agreement.

10 "Health insurance policy" means any individual or group
11 health, sickness or accident policy, or subscriber contract or
12 certificate offered, issued or renewed by an entity subject to
13 one of the following:

14 (1) This act.

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

17 (3) 40 Pa.C.S. Ch. 61 (relating to hospital plan
18 corporations) or 63 (relating to professional health services
19 plan corporations).

20 The term does not include accident only, fixed indemnity,
21 limited benefit, credit, dental, vision, specified disease,
22 Medicare supplement, Civilian Health and Medical Program of the
23 Uniformed Services (CHAMPUS) supplement, long-term care or
24 disability income, workers' compensation or automobile medical
25 payment insurance.

26 Section 2. The addition of section 631.1 of the act applies
27 as follows:

28 (1) For health insurance policies for which either rates
29 or forms are required to be filed with the Insurance
30 Department or the Federal Government, section 631.1 of the

1 act shall apply to any such policy for which a form or rate
2 is first filed on or after the effective date of this
3 section.

4 (2) For health insurance policies for which neither
5 rates nor forms are required to be filed with the Insurance
6 Department or the Federal Government, section 631.1 of the
7 act shall apply to any such policy issued or renewed on or
8 after 180 days after the effective date of this section.
9 Section 3. This act shall take effect immediately.