

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, DeLUCA, GLEIM AND KORTZ, FEBRUARY 11, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 20, 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 policy.

3 "Health insurance carrier." An entity that offers or issues  
4 a health insurance 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 policy." A policy, contract, certificate  
15 or agreement offered, issued or renewed by a health insurance  
16 carrier to provide coverage for health care services. The term  
17 does not include the following types of policies:

18 (1) Accident only.

19 (2) Limited benefit.

20 (3) Credit.

21 (4) Vision.

22 (5) Dental.

23 (6) Specified disease.

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

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

27 (9) Workers' compensation.

28 (10) Automobile medical payment.

29 (11) Fixed indemnity.

30 (12) HOSPITAL INDEMNITY.

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1 (13) MEDICARE SUPPLEMENT.

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

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

7 A health insurance carrier or health insurance policy that,  
8 directly or indirectly, covers the treatment of stage four,  
9 advanced metastatic cancer may not require an enrollee to first  
10 fail to successfully respond to a different drug, or prove a  
11 history of failure in use of a different drug, before providing  
12 coverage for a COVERED drug to which both of the following <--  
13 apply:

14 (1) The drug is approved by the United States Food and  
15 Drug Administration for this indication.

16 (2) The ~~use~~ PRESCRIPTION of the drug is consistent with <--  
17 the best CLINICAL practices for the treatment of stage four, <--  
18 advanced metastatic cancer or ~~associated condition~~. A SEVERE <--  
19 ADVERSE HEALTH CONDITION EXPERIENCED AS A RESULT OF STAGE  
20 FOUR, ADVANCED METASTATIC CANCER.

21 Section 4. Applicability.

22 This act shall apply as follows:

23 (1) For a health insurance policy for which either rates  
24 or forms are required to be filed with the Federal Government  
25 or the Insurance Department, this act shall apply to any  
26 policy for which a form or rate is first filed on or after  
27 180 days after the ~~date of enactment~~ EFFECTIVE DATE of this <--  
28 act.

29 (2) For a health insurance policy for which neither  
30 rates nor forms are required to be filed with the Federal

1 Government or the Insurance Department, this act shall apply  
2 to any policy issued or renewed on or after 180 days after  
3 the ~~date of enactment~~ EFFECTIVE DATE of this act. <--

4 Section 5. Effective date.

5 This act shall take effect in 60 days.