

Regular Session, 2012

HOUSE BILL NO. 693

BY REPRESENTATIVES CROMER, ADAMS, ANDERS, ARNOLD, BADON, BERTHELOT, BILLIOT, WESLEY BISHOP, BROSSETT, BROWN, BURFORD, HENRY BURNS, CARTER, CHANEY, CONNICK, COX, DIXON, DOVE, EDWARDS, FANNIN, FOIL, GAROFALO, GUILLORY, HARRIS, HARRISON, HAVARD, HAZEL, HENRY, HILL, HODGES, HOFFMANN, HOWARD, HUNTER, HUVAL, JAMES, JOHNSON, JONES, KLECKLEY, NANCY LANDRY, TERRY LANDRY, LEBAS, LEGER, LIGI, LOPINTO, LORUSSO, MILLER, MONTOUCET, MORENO, JAY MORRIS, PIERRE, PONTI, POPE, PUGH, PYLANT, REYNOLDS, RICHARD, RICHARDSON, RITCHIE, SCHEXNAYDER, SCHRODER, SIMON, SMITH, ST. GERMAIN, TALBOT, THIBAUT, THIERRY, THOMPSON, WHITNEY, AND WILLMOTT AND SENATORS ALARIO, AMEDEE, BROOME, BROWN, CHABERT, JOHNS, LAFLEUR, MORRISH, GARY SMITH, WARD, AND WHITE

1 AN ACT

2 To enact R.S. 22:999.1, relative to health insurance issuers which provide coverage for
3 cancer treatment; to require that such issuers provide for parity for orally
4 administered anti-cancer medications with intravenously administered or injected
5 anti-cancer medications; to provide for definitions; to provide for applicability; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 22:999.1 is hereby enacted to read as follows:

9 §999.1. Parity for orally administered anti-cancer medications with intravenously
10 administered or injected anti-cancer medications

11 A. It is hereby declared that the public policy of this state is that every
12 person within this state with health insurance coverage that provides coverage for
13 cancer treatment shall have access to the type of covered medication used to treat his
14 cancer, as such a decision affects the person's overall, long-term health and quality
15 of life. It is also declared that orally administered anti-cancer medications, although
16 very effective in killing or slowing the growth of cancerous cells, have high out-of-
17 pocket costs to the covered person, impacting the decision of physicians to prescribe
18 such medications, thus restricting patient access to life-saving oral anti-cancer

1 medications. It is further declared that physicians must be able to make the best
2 choice for their patients, considering the unique aspects of each patient and the
3 progress of the disease.

4 B.(1) A health insurance issuer that provides coverage for cancer treatment
5 shall provide for coverage of prescribed orally administered anti-cancer medications
6 on a basis no less favorable than intravenously administered or injected cancer
7 medications.

8 (2) Health insurance coverage of orally administered anti-cancer medications
9 shall not be subject to any prior authorization, dollar limit, copayment, deductible,
10 or other out-of-pocket expense that does not apply to intravenously administered or
11 injected cancer medications, regardless of formulation or benefit category
12 determination by the health insurance issuer.

13 (3) A health insurance issuer shall not reclassify or increase any type of cost-
14 sharing to the covered person for anti-cancer medications in order to achieve
15 compliance with this Section. Any change in health insurance coverage that
16 otherwise increases an out-of-pocket expense applied to anti-cancer medications
17 shall also be applied to the majority of comparable medical or pharmaceutical
18 benefits covered by the health insurance issuer.

19 (4) A health insurance issuer that limits the total amount paid by a covered
20 person through all cost-sharing requirements to no more than one hundred dollars per
21 filled prescription for any orally administered anti-cancer medication shall be
22 considered in compliance with this Section. For purposes of this Paragraph, "cost-
23 sharing requirements" shall include copayments, coinsurance, deductibles, and any
24 other amounts paid by the covered person for that prescription.

25 C. As used in this Section:

26 (1) "Anti-cancer medications" means medications used to kill or slow the
27 growth of cancer cells.

1 (2) "Covered person" means a policyholder, subscriber, enrollee, or other
 2 individual enrolled in or insured by a health insurance issuer for health insurance
 3 coverage.

4 (3) "Health insurance coverage" or "coverage" means benefits consisting of
 5 medical care provided or arranged for directly, through insurance or reimbursement,
 6 or through a network, and including services paid for as medical care under any
 7 hospital or medical service policy or certificate, hospital or medical service plan
 8 contract, preferred provider organization agreement, or health maintenance
 9 organization contract offered by a health insurance issuer.

10 (4) "Health insurance issuer" means any entity that offers health insurance
 11 coverage through a policy or certificate of insurance subject to state law that
 12 regulates the business of insurance. For purposes of this Section, a "health insurance
 13 issuer" shall include a health maintenance organization, as defined and licensed
 14 pursuant to Subpart I of Part I of Chapter 2 of this Title, nonfederal government
 15 plans subject to the provisions of Subpart B of this Part, and the Office of Group
 16 Benefits.

17 (5) "Network of providers" or "network" means an entity other than a health
 18 insurance issuer that, through contracts with health care providers, provides or
 19 arranges for access by groups of covered persons to covered health care services by
 20 health care providers who are not otherwise or individually contracted directly with
 21 a health insurance issuer.

22 D. The provisions of this Section shall not apply to the following:

23 (1) Limited benefit health insurance policies or contracts.

24 (2) High deductible health plans or policies that are qualified to be used in
 25 conjunction with a health savings account, a medical savings account, or other
 26 similar program authorized by 26 U.S.C. 220 et seq.

27 (3) Qualified health plans offered through a health benefit exchange.

1 Section 2. This Act shall be applicable to health insurance coverage that provides
2 coverage for cancer treatment issued for delivery, delivered, renewed, or otherwise
3 contracted for in this state on or after January 1, 2013.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____