AN ACT REQUIRING THE INSURANCE COMMISSIONER TO STUDY EQUITABLE TREATMENT BY INSURERS FOR CANCER PATIENTS SEEKING TO PARTICIPATE IN CANCER CLINICAL TRIALS; REQUIRING THE INSURANCE COMMISSIONER TO COORDINATE WITH THE CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE; REQUIRING THE CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE TO REVIEW THE INSURANCE COMMISSIONER'S FINAL REPORT AND RECOMMEND APPROPRIATE LEGISLATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

WHEREAS, there are hundreds of cancer patients in Montana who are eligible to participate in clinical trials that could be beneficial to them, as well as hasten major breakthroughs in cancer treatment; and

WHEREAS, the research companies cover all costs of the clinical trials, but not the routine care (e.g., chemotherapy, etc.) a patient would have received had they not been participating in a clinical trial; and

WHEREAS, cancer patients are not participating in these clinical trials because many insurance plans exclude routine care if a patient is accepted into a clinical trial; and

WHEREAS, insurance companies and self-funded plan administrators report they have difficulty defining routine care when an insured participates in a clinical trial; and

WHEREAS, limited information exists regarding this issue for consumers of health insurance to facilitate their making an informed choice.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Commissioner review -- cancer clinical trials. Pursuant to 33-1-311, the insurance commissioner shall study the appropriate and equitable treatment of cancer patients eligible for clinical trials by offerors of health insurance coverage in Montana. In carrying out the purposes of this section, the insurance commissioner shall:

(1) convene an advisory committee of representatives of insurance, reinsurance, and self-insurance

offerors in Montana, as well as patients, health care advisors, providers, and administrators, that will meet to:

(a) evaluate the causes of the routine care coverage denials or ineligibilities for insureds recommended for participation in cancer clinical trials;

(b) identify necessary federal policy changes to address these issues for purchasers of ERISA-regulated health care plans;

(c) define routine care for cancer patients undergoing clinical trials; and

(d) make findings and recommendations to address issues associated with conclusions in this section;

(2) assess whether violations of Montana statutes are occurring related to this denial of care or ineligibility of coverage and take appropriate action if any are found;

(3) review a selection of other states' policies related to required treatment of cancer routine care coverage for insureds undergoing clinical trials; and

(4) coordinate with the children, families, health, and human services interim committee and summarize and present the findings and recommendations in the form of a final report of the insurance commissioner to the interim committee on or before March 31, 2012.

Section 2. Cancer clinical trials -- review by interim committee. (1) The children, families, health, and human services interim committee shall coordinate with the insurance commissioner regarding the requirements of [section 1] and dedicate at least a portion of one meeting during the 2011-2012 interim for consideration of the report prepared by the advisory committee pursuant to [section 1].

(2) The children, families, health, and human services interim committee shall consider whether legislation or other actions are necessary to facilitate equitable treatment of cancer patients in Montana and facilitate participation of Montana and Montana's citizens in cancer clinical trials.

Section 3. Consumer information -- coverage of routine patient care for cancer patients participating in cancer clinical trials. A component of any health insurance plan comparative database or system developed by the insurance commissioner must include whether the plan covers routine cancer care if the patient participates in a cancer clinical trial.

Section 4. Termination. [This act] terminates June 30, 2013, or upon completion of the duties

described in [sections 1 through 3], whichever occurs first.

Section 5. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,

HB 0615, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day

of _____, 2011.

President of the Senate

Signed this _____ day

of _____, 2011.

HOUSE BILL NO. 615

INTRODUCED BY K. WILLIAMS, ANKNEY, BOLAND, NOONAN, DI. BARRETT, BELCOURT, LONEY, O'HARA, BLASDEL, REICHNER, HOLLENBAUGH, BLYTON, HILL, DRISCOLL

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