

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 168 Session of 2013

INTRODUCED BY BURNS, MILLARD, NEILSON, LONGIETTI, HARHAI, D. COSTA, BIZZARRO, PASHINSKI, HENNESSEY, MCGEEHAN, MULLERY, YOUNGBLOOD, BISHOP, HESS, KAVULICH, FRANKEL, COHEN, C. HARRIS, BOBACK, FLECK, V. BROWN, MAHONEY, BENNINGHOFF, READSHAW, MURT, CALTAGIRONE, MOUL, CLYMER, DELUCA, THOMAS, DEASY AND MATZIE, JANUARY 22, 2013

REFERRED TO COMMITTEE ON INSURANCE, JANUARY 22, 2013

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," providing for oncology benefit  
 12 design.

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. Oncology Benefit Design.--(a) Individual or  
 19 group health insurance policies offered by an insurer providing  
 20 coverage for intravenously administered cancer chemotherapy that  
 21 also provide coverage for orally administered cancer

1 chemotherapy shall provide orally administered cancer  
2 chemotherapy with no less favorable patient cost-sharing than  
3 for covered intravenously administered chemotherapy. This shall  
4 include copayments, deductibles, coinsurance provisions and  
5 maximum out-of-pocket limits that are based upon how the  
6 chemotherapy is administered to the patient.

7 (b) This section shall apply to individual or group health  
8 insurance policies offered by an insurer that may offer coverage  
9 for orally administered or injected chemotherapy as part of a  
10 prescription drug benefit. This shall include offerings made  
11 directly through the insurer or an entity that insurer has  
12 contracted with to provide, deliver, arrange for or reimburse  
13 for coverage.

14 (c) Compliance with this section cannot be achieved by  
15 imposing cost increases to patients for their out-of-pocket  
16 costs for those patients currently receiving covered  
17 chemotherapy agents regardless of the form of administration.

18 (d) This section shall apply to health insurance policies  
19 offered, issued or renewed on or after July 1, 2013, in this  
20 Commonwealth. This section shall not include the following  
21 policies:

22 (1) Accident only.

23 (2) Fixed indemnity.

24 (3) Limited benefit.

25 (4) Credit.

26 (5) Dental.

27 (6) Vision.

28 (7) Medicare supplement.

29 (8) CHAMPUS (Civilian Health and Medical Program of the  
30 Uniformed Services) supplement.

1     (9) Long-term care or disability income.

2     (10) Long-term care.

3     (11) Workers' compensation.

4     (12) Automobile medical payment.

5     (e) The term "cancer chemotherapy" when used in this section  
6 means medication that is prescribed by a physician for the  
7 purpose of killing or slowing the growth of cancer cells.

8     (f) The term "insurer" when used in this section means a  
9 company or health insurance entity licensed in this Commonwealth  
10 to issue individual or group health, sickness or accident policy  
11 or subscriber contract or certificate or plan that provides  
12 medical or health care coverage by a health care facility or  
13 licensed health care provider that is offered or governed under  
14 this act or the following:

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

17     (2) The act of May 18, 1976 (P.L.123, No.54), known as the  
18 "Individual Accident and Sickness Insurance Minimum Standards  
19 Act."

20     (3) 40 Pa.C.S. Ch. 61 (relating to hospital plan  
21 corporations) or 63 (relating to professional health services  
22 plan corporations).

23     Section 2. This act shall take effect July 1, 2015.