

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 66 Session of 2019

INTRODUCED BY J. WARD, MENSCH, K. WARD, PHILLIPS-HILL, COSTA, HUTCHINSON, COLLETT, TARTAGLIONE, SCHWANK, DINNIMAN, SANTARSIERO, LAUGHLIN, REGAN, BREWSTER AND KILLION, JANUARY 14, 2019

SENATOR SCAVELLO, BANKING AND INSURANCE, AS AMENDED, JUNE 10, 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 "Enrollee." A policyholder, subscriber, covered person or
13 other individual who is entitled to receive health care services
14 under a health insurance ~~plan~~ POLICY. <--

15 "Health insurance carrier." An entity that offers or issues
16 a health insurance ~~plan~~ POLICY and is subject to any of the <--

1 following:

2 (1) The act of May 17, 1921 (P.L.682, No.284), known as
3 The Insurance Company Law of 1921, INCLUDING SECTION 630 AND <--
4 ARTICLE XXIV OF THE INSURANCE COMPANY LAW OF 1921.

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

7 (3) 40 Pa.C.S. Ch. 61 (relating to hospital plan
8 corporations) or 63 (relating to professional health services
9 plan corporations).

10 "Health insurance ~~plan~~ POLICY." A policy, contract, <--
11 certificate or agreement offered ~~or issued~~, ISSUED OR RENEWED by <--
12 a health insurance carrier to provide ~~for the costs of~~ COVERAGE <--
13 FOR health care services. The term does not include the
14 following types of policies:

15 (1) Accident only.

16 (2) Limited benefit.

17 (3) Credit.

18 (4) Vision.

19 (5) Dental.

20 (6) Specified disease.

21 (7) Civilian Health and Medical Program of the Uniformed
22 Services (CHAMPUS) supplement.

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

24 (9) Workers' compensation.

25 (10) Automobile medical payment.

26 (11) Fixed indemnity.

27 (12) HOSPITAL INDEMNITY. <--

28 (13) MEDICARE SUPPLEMENT.

29 "Stage four, advanced metastatic cancer." Cancer that has
30 spread from the primary or original site of the cancer to nearby

1 tissues, lymph nodes or other areas or parts of the body.

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

4 A health insurance carrier or health insurance ~~plan~~ POLICY <--
5 that, directly or indirectly, covers the treatment of stage
6 four, advanced metastatic cancer ~~shall~~ MAY not require an <--
7 enrollee to first fail to successfully respond to a different
8 drug, or prove a history of failure in use of a different drug,
9 before providing coverage for a COVERED drug TO WHICH BOTH OF <--
10 THE FOLLOWING APPLY:

11 (1) THE DRUG IS approved by the United States Food and <--
12 Drug Administration; and

13 (2) the use of ~~which is consistent~~ THE DRUG IS <--
14 CONSISTENT WITH ITS FDA-APPROVED INDICATION AND with the best
15 CLINICAL practices for the treatment of stage four, advanced <--
16 metastatic cancer.

17 Section 4. Applicability.

18 This act shall apply ~~to insurance plans issued, delivered or~~ <--
19 ~~renewed on or after the effective date of this section.~~ AS <--
20 FOLLOWS:

21 (1) FOR A HEALTH INSURANCE POLICY FOR WHICH EITHER RATES
22 OR FORMS ARE REQUIRED TO BE FILED WITH THE FEDERAL GOVERNMENT
23 OR THE INSURANCE DEPARTMENT, THIS ACT SHALL APPLY TO ANY
24 POLICY FOR WHICH A RATE OR FORM IS FIRST FILED ON OR AFTER
25 180 DAYS AFTER THE EFFECTIVE DATE OF THIS ACT.

26 (2) FOR A HEALTH INSURANCE POLICY FOR WHICH NEITHER
27 RATES NOR FORMS ARE REQUIRED TO BE FILED WITH THE FEDERAL
28 GOVERNMENT OR THE INSURANCE DEPARTMENT, THIS ACT SHALL APPLY
29 TO ANY POLICY ISSUED OR RENEWED ON OR AFTER 180 DAYS AFTER
30 THE EFFECTIVE DATE OF THIS ACT.

1 Section 5. Effective date.

2 This act shall take effect in 60 days.