
 THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. **60** Session of
2015

INTRODUCED BY BAKER, BENNINGHOFF, COHEN, TOEPEL, V. BROWN,
FREEMAN, BARRAR, BROWNLEE, LONGIETTI, KILLION, SAMUELSON,
DIGIROLAMO, TOPPER, RAPP, CAUSER, A. HARRIS, KNOWLES,
KAUFFMAN, OBERLANDER, D. COSTA, MILLARD, WATSON, CUTLER,
EVERETT, MURT, JAMES, DeLUCA, HAHN, GABLER, GINGRICH,
ZIMMERMAN, PICKETT, GIBBONS, DEAN, MENTZER, EMRICK, BIZZARRO,
PHILLIPS-HILL, MOUL, PYLE, REGAN AND McCARTER,
JANUARY 21, 2015

SENATOR WHITE, BANKING AND INSURANCE, IN SENATE, AS AMENDED,
JUNE 25, 2015

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," in casualty insurance, providing
12 for coverage for oral ~~anticancer~~ CHEMOTHERAPY medications. <--

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. Coverage for Oral ~~Anticancer~~ CHEMOTHERAPY <--
19 Medications.--(a) Whenever a health insurance policy provides

1 coverage that includes coverage for ~~cancer chemotherapy or~~ <--
2 ~~anticancer~~ INTRAVENOUSLY ADMINISTERED OR INJECTED CHEMOTHERAPY <--
3 medications which have been approved by the United States Food
4 and Drug Administration for general use in the treatment of
5 cancer, the policy shall not provide coverage or impose cost
6 sharing for a prescribed, orally administered ~~anticancer~~ <--
7 CHEMOTHERAPY medication on a less favorable basis than the <--
8 coverage it provides or cost sharing it imposes for
9 intravenously administered or injected ~~cancer~~ CHEMOTHERAPY <--
10 medications.

11 (b) A health insurance policy shall not comply with this
12 section by imposing an increase in cost sharing solely for
13 orally administered, intravenously administered or injected
14 ~~cancer medications.~~ CHEMOTHERAPY MEDICATIONS GREATER THAN THE <--
15 POLICY'S COST-SHARING PROVISIONS FOR MEDICAL BENEFITS GENERALLY.

16 (c) The prohibitions in subsections (a) and (b) do not
17 preclude a health insurance policy from requiring an enrollee to
18 obtain prior authorization before orally administered ~~anticancer~~ <--
19 CHEMOTHERAPY medication is dispensed to the enrollee. <--

20 (D) THIS SECTION SHALL APPLY ONLY TO ORAL CHEMOTHERAPY <--
21 MEDICATIONS WHERE AN INTRAVENOUSLY ADMINISTERED OR INJECTED
22 CHEMOTHERAPY MEDICATION IS NOT EQUALLY MEDICALLY EFFECTIVE.

23 (E) THIS SECTION SHALL APPLY TO A HIGH DEDUCTIBLE HEALTH
24 PLAN ONLY, AS DEFINED IN SECTION 223(C) (2) OF THE INTERNAL
25 REVENUE CODE OF 1986 (PUBLIC LAW 99-514, 26 U.S.C. § 223(C) (2))
26 AFTER THE COVERED PERSON'S DEDUCTIBLE HAS BEEN SATISFIED FOR THE
27 YEAR.

28 ~~(d)~~ (F) This section shall apply to those health insurance <--
29 policies issued or entered into or renewed on or after the
30 effective date of this section.

1 ~~(e)~~ (G) As used in this section: <--
2 ~~"Anticancer CHEMOTHERAPY medication" means a drug or~~ <--
3 ~~biological product that is used to kill, slow or prevent~~
4 ~~MEDICATION PRESCRIBED BY A TREATING PHYSICIAN THAT IS NECESSARY~~ <--
5 ~~TO KILL OR SLOW the growth of cancerous cells.~~

6 "Cost sharing" means the cost to an individual insured under
7 a health insurance policy according to any coverage limit,
8 copayment, coinsurance, deductible or other out-of-pocket
9 expense requirements imposed by the policy, contract or
10 agreement.

11 "Health insurance policy" means any individual or group
12 health, sickness or accident policy, or subscriber contract or
13 certificate offered, issued or renewed by an entity subject to
14 one of the following:

15 (1) This act.

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

18 (3) 40 Pa.C.S. Ch. 61 (relating to hospital plan
19 corporations) or 63 (relating to professional health services
20 plan corporations).

21 The term does not include accident only, fixed indemnity,
22 limited benefit, credit, dental, vision, specified disease,
23 Medicare supplement, Civilian Health and Medical Program of the
24 Uniformed Services (CHAMPUS) supplement, long-term care or
25 disability income, workers' compensation or automobile medical
26 payment insurance.

27 Section 2. The addition of section 631.1 of the act applies
28 as follows:

29 (1) For health insurance policies for which either rates
30 or forms are required to be filed with the Insurance

1 Department or the Federal Government, section 631.1 of the
2 act shall apply to any such policy for which a form or rate
3 is first filed on or after the effective date of this
4 section.

5 (2) For health insurance policies for which neither
6 rates nor forms are required to be filed with the Insurance
7 Department or the Federal Government, section 631.1 of the
8 act shall apply to any such policy issued or renewed on or
9 after 180 days after the effective date of this section.

10 Section 3. This act shall take effect immediately.