
 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

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 27, 2016

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 ~~INCREASE COST SHARING FOR CHEMOTHERAPY MEDICATIONS IN ORDER TO~~ <--
17 ~~AVOID COMPLIANCE WITH SUBSECTION (A). A HEALTH INSURANCE POLICY~~
18 ~~MAY INCREASE COST SHARING FOR CHEMOTHERAPY MEDICATIONS IF AN~~
19 ~~INCREASE IS APPLIED GENERALLY TO OTHER MEDICAL OR PHARMACEUTICAL~~
20 ~~BENEFITS ADMINISTERED IN A SIMILAR HEALTH CARE SETTING UNDER THE~~
21 ~~CONTRACT.~~

22 ~~(c) The prohibitions in subsections (a) and (b) do not~~
23 ~~preclude a health insurance policy from requiring an enrollee to~~
24 ~~obtain prior authorization before orally administered anticancer~~ <--
25 ~~CHEMOTHERAPY medication is dispensed to the enrollee. AS PART OF~~ <--
26 ~~PRIOR AUTHORIZATION, AN INSURER MAY CONSIDER THE MEDICAL~~
27 ~~NECESSITY AND COST OF ORAL CHEMOTHERAPY MEDICATIONS COMPARED~~
28 ~~WITH INTRAVENOUSLY ADMINISTERED OR INJECTED CHEMOTHERAPY~~
29 ~~MEDICATION.~~

30 ~~(D) THIS SECTION SHALL APPLY ONLY TO ORAL CHEMOTHERAPY~~ <--

1 ~~MEDICATIONS WHERE AN INTRAVENOUSLY ADMINISTERED OR INJECTED~~
2 ~~CHEMOTHERAPY MEDICATION IS NOT EQUALLY MEDICALLY EFFECTIVE.~~

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

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

11 ~~(e) (G)~~ (F) As used in this section: <--

12 "~~Anticancer~~ CHEMOTHERAPY medication" means a drug or <--
13 biological product that is used to kill, slow or prevent
14 MEDICATION PRESCRIBED BY A TREATING PHYSICIAN HEALTH CARE <--
15 PRACTITIONER THAT IS NECESSARY TO KILL OR SLOW the growth of
16 cancerous cells.

17 "~~Cost sharing~~" means the cost to an individual insured under
18 a health insurance policy according to any coverage limit,
19 copayment, coinsurance, deductible or other out-of-pocket
20 expense requirements imposed by the policy, contract or
21 agreement.

22 "Health insurance policy" means any individual or group
23 health, sickness or accident policy, or subscriber contract or
24 certificate offered, issued or renewed by an entity subject to
25 one of the following:

26 (1) This act.

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

29 (3) 40 Pa.C.S. Ch. 61 (relating to hospital plan
30 corporations) or 63 (relating to professional health services

1 plan corporations).

2 The term does not include accident only, fixed indemnity,
3 limited benefit, credit, dental, vision, specified disease,
4 Medicare supplement, Civilian Health and Medical Program of the
5 Uniformed Services (CHAMPUS) supplement, long-term care or
6 disability income, workers' compensation or automobile medical
7 payment insurance.

8 Section 2. The addition of section 631.1 of the act applies
9 as follows:

10 (1) For health insurance policies for which either rates
11 or forms are required to be filed with the Insurance
12 Department or the Federal Government, section 631.1 of the
13 act shall apply to any such policy for which a form or rate
14 is first filed on or after the effective date of this
15 section.

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

21 Section 3. This act shall take effect immediately.