

Representative Brad R. Wilson proposes the following substitute bill:

ONCOLOGY INSURANCE AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Brad R. Wilson

LONG TITLE

General Description:

This bill amends the Accident and Health Insurance part of the Contracts in Specific Lines chapter of the Insurance Code.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides that if a health insurer covers both oral chemotherapy and intravenous chemotherapy, the insurer:
 - shall apply the same cost sharing requirements to both oral chemotherapy and intravenous chemotherapy; or
 - shall not impose a cost sharing for oral chemotherapy that exceeds \$300, if the insurer imposes different cost sharing for oral chemotherapy and intravenous chemotherapy;
- ▶ prohibits a health insurer from increasing the cost sharing for oral or intravenous chemotherapy for the purpose of achieving compliance with this section;
- ▶ gives the Insurance Department administrative rulemaking authority; and
- ▶ provides a private right of action.

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **31A-22-641**, Utah Code Annotated 1953



33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **31A-22-641** is enacted to read:

35 **31A-22-641. Cancer treatment parity.**

36 (1) For purposes of this section:

37 (a) "Cost sharing" means the enrollee's maximum out-of-pocket costs as defined by the
38 health benefit plan.

39 (b) "Health insurer" is as defined in Subsection 31A-22-634(1).

40 (c) "Intravenously administered chemotherapy" means a physician-prescribed cancer
41 treatment that is used to kill or slow the growth of cancer cells, that is administered through
42 injection directly into the patient's circulatory system by a physician, physician assistant, nurse
43 practitioner, nurse, or other medical personnel under the supervision of a physician, and in a
44 hospital, medical office, or other clinical setting.

45 (d) "Oral chemotherapy" means a United States Food and Drug
46 Administration-approved, physician-prescribed cancer treatment that is used to kill or slow the
47 growth of cancer cells, that is taken orally in the form of a tablet or capsule, and may be
48 administered in a hospital, medical office, or other clinical setting or may be delivered to the
49 patient for self-administration under the direction or supervision of a physician outside of a
50 hospital, medical office, or other clinical setting.

51 (2) This section applies to health benefit plans renewed or entered into on or after
52 October 1, 2013.

53 (3) A health benefit plan that covers prescribed oral chemotherapy and intravenously
54 administered chemotherapy shall:

55 (a) except as provided in Subsection (3)(b), ensure that the cost sharing applied to the
56 covered oral chemotherapy is no more restrictive than the cost sharing applied to the covered

57 intravenously administered chemotherapy; or

58 (b) if the cost sharing for oral chemotherapy is more restrictive than the cost sharing for
59 intravenous chemotherapy, the health benefit plan may not apply cost sharing for the oral
60 chemotherapy that exceeds \$300 per filled prescription.

61 (4) (a) A health insurer shall not increase the cost sharing for intravenously
62 administered chemotherapy for the purpose of achieving compliance with this section.

63 (b) The commissioner may adopt administrative rules in accordance with Title 63G,
64 Chapter 3, Utah Administrative Rulemaking Act, to enforce the provisions of this section.

65 (c) A person who is injured by a violation of this section has a private right of action
66 against the insurer who violated the provisions of this section for damages proximately caused
67 by the violation.