

SB0189S02 compared with SB0189S01

~~{deleted text}~~ shows text that was in SB0189S01 but was deleted in SB0189S02.

inserted text shows text that was not in SB0189S01 but was inserted into SB0189S02.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{Senator Curtis S. Bramble}~~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 ~~{Part 6,}~~the Accident and Health Insurance ~~{, in Chapter 22,}~~ part of the Contracts in Specific Lines ~~{,}~~ chapter of the Insurance Code.

Highlighted Provisions:

This bill:

- ▶ defines terms;~~{and}~~
- ▶ provides that if a health insurer covers ~~{anticancer medication, the insurer may not exceed certain cost sharing limits}~~both oral chemotherapy and intravenous chemotherapy, the insurer:
 - shall apply the same cost sharing requirements to both oral chemotherapy and intravenous chemotherapy; or

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- 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:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

31A-22-641, Utah Code Annotated 1953

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

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

31A-22-641. Cancer treatment parity.

(1) For purposes of this section:

(a) ~~"Anticancer medication" means prescribed, self administered anticancer medication that is used to kill or slow the growth of cancerous cells.~~

~~(b) "Cost sharing" includes copayments, deductibles, coinsurance, and other dollar limits.~~

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

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

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

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

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

(3) A health benefit plan that covers ~~anticancer medication:~~

~~(a) shall not impose a copayment or coinsurance that exceeds \$250 a month for the anticancer medication; and~~

~~(b) shall apply any monthly out-of-pocket costs for the anticancer medication that is paid by the individual to any deductibles or maximum out-of-pocket costs imposed by~~ prescribed oral chemotherapy and intravenously administered chemotherapy shall:

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

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

(4) (a) A health insurer shall not increase the cost sharing for ~~anticancer medication or other physician prescribed cancer treatment, however administered,~~ intravenously administered chemotherapy for the purpose of achieving compliance with this section.

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

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