

5864

2009-2010 Regular Sessions

I N   S E N A T E

June 15, 2009

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Introduced by Sen. HASSELL-THOMPSON -- read twice and ordered printed,  
and when printed to be committed to the Committee on Rules

AN ACT to amend the insurance law, in relation to policy coverage of  
chemotherapy treatment

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Legislative findings. The legislature finds that advances  
2     in medical research have led to significant new developments of various  
3     medical treatments. These treatments offer patients a wide range of new  
4     choices to combat very serious diseases. The area of cancer treatment  
5     has been one of the fields that has seen these significant new medical  
6     advancements. In recent years, oral chemotherapy treatments have been  
7     developed that provide viable alternatives to traditional intravenous  
8     cancer treatments for patients. This oral chemotherapy treatment offers  
9     the treating physician and the patient a choice in relation to treatment  
10    options. However, this choice is sometimes limited as the oral chemoth-  
11    erapy treatments are, in most cases, covered under the prescription drug  
12    benefit of an insurance plan rather than under the major medical insur-  
13    ance benefit of an insurance plan. This discrepancy in coverage can  
14    limit a patient's ability to choose the oral chemotherapy treatment  
15    because of the cost associated with the disparate treatment.

16    S 2. Subsection (i) of section 3216 of the insurance law is amended by  
17    adding a new paragraph 12-a to read as follows:

18    (12-A) EVERY POLICY DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE  
19    THAT PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR COMPREHENSIVE-TYPE  
20    COVERAGE AND PROVIDES COVERAGE FOR CANCER CHEMOTHERAPY TREATMENT SHALL  
21    PROVIDE COVERAGE FOR A PRESCRIBED, ORALLY ADMINISTERED ANTICANCER MEDI-  
22    CATION USED TO KILL OR SLOW THE GROWTH OF CANCEROUS CELLS ON A BASIS NO  
23    LESS FAVORABLE THAN INTRAVENOUSLY ADMINISTERED OR INJECTED CANCER MEDI-  
24    CATIONS.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD10074-04-9

1 S 3. Subsection (k) of section 3221 of the insurance law is amended by  
2 adding a new paragraph 9-a to read as follows:

3 (9-A) EVERY GROUP OR BLANKET POLICY DELIVERED OR ISSUED FOR DELIVERY  
4 IN THIS STATE THAT PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR COMPRE-  
5 HENSIVE-TYPE COVERAGE AND PROVIDES COVERAGE FOR CANCER CHEMOTHERAPY  
6 TREATMENT SHALL PROVIDE COVERAGE FOR A PRESCRIBED, ORALLY ADMINISTERED  
7 ANTICANCER MEDICATION USED TO KILL OR SLOW THE GROWTH OF CANCEROUS CELLS  
8 ON A BASIS NO LESS FAVORABLE THAN INTRAVENOUSLY ADMINISTERED OR INJECTED  
9 CANCER MEDICATIONS.

10 S 4. Section 4303 of the insurance law is amended by adding a new  
11 subsection (q-1) to read as follows:

12 (Q-1) EVERY POLICY ISSUED BY A MEDICAL EXPENSE INDEMNITY CORPORATION,  
13 A HOSPITAL SERVICE CORPORATION OR A HEALTH SERVICE CORPORATION FOR  
14 DELIVERY IN THIS STATE THAT PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR  
15 COMPREHENSIVE-TYPE COVERAGE AND PROVIDES COVERAGE FOR CANCER CHEMOTHERA-  
16 PY TREATMENT SHALL PROVIDE COVERAGE FOR A PRESCRIBED, ORALLY ADMINIS-  
17 TERED ANTICANCER MEDICATION USED TO KILL OR SLOW THE GROWTH OF CANCEROUS  
18 CELLS ON A BASIS NO LESS FAVORABLE THAN INTRAVENOUSLY ADMINISTERED OR  
19 INJECTED CANCER MEDICATIONS.

20 S 5. This act shall take effect immediately and shall apply to poli-  
21 cies issued, modified, or renewed on or after such effective date.