

5864--A

Cal. No. 750

2009-2010 Regular Sessions

I N S E N A T E

June 15, 2009

Introduced by Sens. HASSELL-THOMPSON, ALESİ, DILAN, FOLEY, KRUEGER, LANZA, LEIBELL, PERKINS, SCHNEIDERMAN, STACHOWSKI, STEWART-COUSINS, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Insurance in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 ASSEMBLY, 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) (A) EVERY POLICY DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE
19 THAT PROVIDES MEDICAL, MAJOR MEDICAL, OR SIMILAR COMPREHENSIVE-TYPE

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

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1 COVERAGE AND PROVIDES COVERAGE FOR CANCER CHEMOTHERAPY TREATMENT SHALL
2 PROVIDE COVERAGE FOR A PRESCRIBED, ORALLY ADMINISTERED ANTICANCER MEDI-
3 CATION USED TO KILL OR SLOW THE GROWTH OF CANCEROUS CELLS ON A BASIS NO
4 LESS FAVORABLE THAN: (I) INTRAVENOUSLY ADMINISTERED OR INJECTED CANCER
5 MEDICATIONS; OR (II) PRESCRIBED DRUGS AS COVERED UNDER THE ENROLLEE'S
6 PRESCRIPTION DRUG BENEFIT, WHICHEVER IS LESS.

7 (B) A POLICY SHALL NOT ACHIEVE COMPLIANCE WITH THIS PARAGRAPH BY
8 IMPOSING AN INCREASE IN CO-PAYMENT, DEDUCTIBLE OR CO-INSURANCE AMOUNT
9 FOR AN INTRAVENOUSLY ADMINISTERED OR INJECTED CANCER MEDICATION COVERED
10 UNDER THE POLICY.

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

13 (9-A) (A) EVERY GROUP OR BLANKET POLICY DELIVERED OR ISSUED FOR DELIV-
14 ERY 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: (I) INTRAVENOUSLY ADMINISTERED
19 OR INJECTED CANCER MEDICATIONS; OR (II) PRESCRIBED DRUGS AS COVERED
20 UNDER THE ENROLLEE'S PRESCRIPTION DRUG BENEFIT, WHICHEVER IS LESS.

21 (B) A POLICY SHALL NOT ACHIEVE COMPLIANCE WITH THIS PARAGRAPH BY
22 IMPOSING AN INCREASE IN CO-PAYMENT, DEDUCTIBLE OR CO-INSURANCE AMOUNT
23 FOR AN INTRAVENOUSLY ADMINISTERED OR INJECTED CANCER MEDICATION COVERED
24 UNDER THE POLICY.

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

27 (Q-1) (1) EVERY POLICY ISSUED BY A MEDICAL EXPENSE INDEMNITY CORPO-
28 RATION, A HOSPITAL SERVICE CORPORATION OR A HEALTH SERVICE CORPORATION
29 FOR DELIVERY IN THIS STATE THAT PROVIDES MEDICAL, MAJOR MEDICAL, OR
30 SIMILAR COMPREHENSIVE-TYPE COVERAGE AND PROVIDES COVERAGE FOR CANCER
31 CHEMOTHERAPY TREATMENT SHALL PROVIDE COVERAGE FOR A PRESCRIBED, ORALLY
32 ADMINISTERED ANTICANCER MEDICATION USED TO KILL OR SLOW THE GROWTH OF
33 CANCEROUS CELLS ON A BASIS NO LESS FAVORABLE THAN: (A) INTRAVENOUSLY
34 ADMINISTERED OR INJECTED CANCER MEDICATIONS; OR (B) PRESCRIBED DRUGS AS
35 COVERED UNDER THE ENROLLEE'S PRESCRIPTION DRUG BENEFIT, WHICHEVER IS
36 LESS.

37 (2) A POLICY SHALL NOT ACHIEVE COMPLIANCE WITH THIS SUBSECTION BY
38 IMPOSING AN INCREASE IN CO-PAYMENT, DEDUCTIBLE OR CO-INSURANCE AMOUNT
39 FOR AN INTRAVENOUSLY ADMINISTERED OR INJECTED CANCER MEDICATION COVERED
40 UNDER THE POLICY.

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