

6055

I N S E N A T E

(PREFILED)

January 4, 2012

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

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

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

1 Section 1. Paragraph 12-a of subsection (i) of section 3216 of the  
2 insurance law, as added by chapter 559 of the laws of 2011, is amended  
3 to read as follows:

4 (12-a) (A) Every policy delivered or issued for delivery in this state  
5 that provides medical, major medical, or similar comprehensive-type  
6 coverage and provides coverage for prescription drugs and also [provide]  
7 PROVIDES coverage for cancer chemotherapy treatment shall provide cover-  
8 age for [a] prescribed, orally administered anticancer [medication]  
9 MEDICATIONS used to kill or slow the growth of cancerous cells [and  
10 shall apply the lower cost sharing of either (i) anticancer medication  
11 under the prescription drug benefit or (ii)]. SUCH COVERAGE MAY BE  
12 SUBJECT TO CO-PAYS, COINSURANCE OR DEDUCTIBLES, PROVIDED THAT THE  
13 CO-PAYS, COINSURANCE OR DEDUCTIBLES ARE AT LEAST AS FAVORABLE TO AN  
14 INSURED AS THE CO-PAYS, COINSURANCE OR DEDUCTIBLES THAT APPLY TO COVER-  
15 AGE FOR intravenous or injected anticancer medications. [For the  
16 purposes of this section "cost sharing" shall include co-pays, coinsu-  
17 rance, and deductibles as deemed appropriate by the superintendent.]

18 (B) An insurer providing coverage under this paragraph and any partic-  
19 ipating entity through which the insurer offers health services shall  
20 not:

21 (i) vary the terms of the policy for the purpose or with the effect of  
22 avoiding compliance with this paragraph;

23 (ii) provide incentives (monetary or otherwise) to encourage a covered  
24 person to accept less than the minimum protections available under this  
25 paragraph;

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

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1 (iii) penalize in any way or reduce or limit the compensation of a  
2 health care practitioner for recommending or providing care to a covered  
3 person in accordance with this paragraph;

4 (iv) provide incentives (monetary or otherwise) to a health care prac-  
5 titioner relating to the services provided pursuant to this paragraph  
6 intended to induce or have the effect of inducing such practitioner to  
7 provide care to a covered person in a manner inconsistent with this  
8 paragraph; or

9 (v) achieve compliance with this paragraph by imposing an increase in  
10 cost sharing for an intravenous or injected anticancer medication.

11 S 2. Paragraph 12-a of subsection (1) of section 3221 of the insurance  
12 law, as added by chapter 559 of the laws of 2011, is amended to read as  
13 follows:

14 (12-a) (A) Every policy delivered or issued for delivery in this state  
15 that provides medical, major medical, or similar comprehensive-type  
16 coverage and provides coverage for prescription drugs and also provides  
17 coverage for cancer chemotherapy treatment shall provide coverage for  
18 [a] prescribed, orally administered anticancer [medication] MEDICATIONS  
19 used to kill or slow the growth of cancerous cells [and shall apply the  
20 lower cost sharing of either (i) anticancer medication under the  
21 prescription drug benefit or (ii)]. SUCH COVERAGE MAY BE SUBJECT TO  
22 CO-PAYS, COINSURANCE OR DEDUCTIBLES, PROVIDED THAT THE CO-PAYS, COINSU-  
23 RANCE OR DEDUCTIBLES ARE AT LEAST AS FAVORABLE TO AN INSURED AS THE  
24 CO-PAYS, COINSURANCE OR DEDUCTIBLES THAT APPLY TO COVERAGE FOR intrave-  
25 nous or injected anticancer medications. [For the purposes of this  
26 section "cost sharing" shall include co-pays, coinsurance, and deduct-  
27 ibles as deemed appropriate by the superintendent.]

28 (B) An insurer providing coverage under this paragraph and any partic-  
29 ipating entity through which the insurer offers health services shall  
30 not:

31 (i) vary the terms of the policy for the purpose or with the effect of  
32 avoiding compliance with this paragraph;

33 (ii) provide incentives (monetary or otherwise) to encourage a covered  
34 person to accept less than the minimum protections available under this  
35 paragraph;

36 (iii) penalize in any way or reduce or limit the compensation of a  
37 health care practitioner for recommending or providing care to a covered  
38 person in accordance with this paragraph;

39 (iv) provide incentives (monetary or otherwise) to a health care prac-  
40 titioner relating to the services provided pursuant to this paragraph  
41 intended to induce or have the effect of inducing such practitioner to  
42 provide care to a covered person in a manner inconsistent with this  
43 paragraph; or

44 (v) achieve compliance with this paragraph by imposing an increase in  
45 cost sharing for an intravenous or injected anticancer medication.

46 S 3. Subsection (q-1) of section 4303 of the insurance law, as added  
47 by chapter 559 of the laws of 2011, is amended to read as follows:

48 (q-1) (1) Every [policy] CONTRACT issued by a medical expense indem-  
49 nity corporation, a hospital service corporation or a health service  
50 corporation for delivery in this state that provides medical, major  
51 medical or similar comprehensive-type coverage and provides coverage for  
52 prescription drugs and for cancer chemotherapy treatment shall provide  
53 coverage for [a] prescribed, orally administered anticancer [medication]  
54 MEDICATIONS used to kill or slow the growth of cancerous cells [and  
55 shall apply the lower cost sharing of either (A) anticancer medication  
56 under the prescription drug benefit or (B)]. SUCH COVERAGE MAY BE

1 SUBJECT TO CO-PAYS, COINSURANCE OR DEDUCTIBLES, PROVIDED THAT THE  
2 CO-PAYS, COINSURANCE OR DEDUCTIBLES ARE AT LEAST AS FAVORABLE TO AN  
3 INSURED AS THE CO-PAYS, COINSURANCE OR DEDUCTIBLES THAT APPLY TO COVER-  
4 AGE FOR intravenous or injected anticancer medications. [For the  
5 purposes of this section "cost sharing" shall include co-payments, coin-  
6 surance, and deductibles as deemed appropriate by the superintendent.]

7 (2) An insurer providing coverage under this paragraph and any partic-  
8 ipating entity through which the insurer offers health services shall  
9 not:

10 (A) vary the terms of the [policy] CONTRACT for the purpose or with  
11 the effect of avoiding compliance with this paragraph;

12 (B) provide incentives (monetary or otherwise) to encourage a covered  
13 person to accept less than the minimum protections available under this  
14 paragraph;

15 (C) penalize in any way or reduce or limit the compensation of a  
16 health care practitioner for recommending or providing care to a covered  
17 person in accordance with this paragraph;

18 (D) provide incentives (monetary or otherwise) to a health care prac-  
19 titioner relating to the services provided pursuant to this paragraph  
20 intended to induce or have the effect of inducing such practitioner to  
21 provide care to a covered person in a manner inconsistent with this  
22 paragraph; or

23 (E) achieve compliance with this paragraph by imposing an increase in  
24 cost sharing for an intravenous or injected anticancer medication.

25 S 4. This act shall take effect on the same date and in the same  
26 manner as chapter 559 of the laws of 2011, takes effect.