

# STATE OF NEW YORK

984

2019-2020 Regular Sessions

## IN SENATE

January 9, 2019

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

AN ACT to amend the public health law, in relation to requiring dihydropyrimidine dehydrogenase deficiency testing for certain individuals with cancer; to amend the insurance law, in relation to requiring policies and contracts of insurance to include coverage for dihydropyrimidine dehydrogenase deficiency testing; and to amend the social services law, in relation to the provision of dihydropyrimidine dehydrogenase deficiency testing under the medical assistance program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The public health law is amended by adding a new section  
2 2400-a to read as follows:

3 § 2400-a. Dihydropyrimidine dehydrogenase deficiency testing. 1. For  
4 purposes of this section the following terms shall have the following  
5 meanings:

6 (a) "Antimetabolites" means a substance that interferes with the  
7 normal metabolic processes within cells, typically by combining with  
8 enzymes.

9 (b) "Dihydropyrimidine dehydrogenase deficiency" means a condition in  
10 which the body cannot break down the nucleotides thymine and uracil.

11 (c) "Fluoropyrimidine" means a group of substances used to treat cancer  
12 through chemotherapy.

13 2. Every physician or other authorized practitioner who provides fluo-  
14 ropyrimidine or other antimetabolites to individuals diagnosed with  
15 cancer shall test for dihydropyrimidine dehydrogenase deficiency prior  
16 to such treatment.

17 § 2. Subparagraph (A) of paragraph 12-a of subsection (i) of section  
18 3216 of the insurance law, as amended by chapter 12 of the laws of 2012,  
19 is amended to read as follows:

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

LBD02330-01-9

1 (A) Every policy delivered or issued for delivery in this state that  
2 provides medical, major medical, or similar comprehensive-type coverage  
3 and provides coverage for prescription drugs and also provides coverage  
4 for cancer chemotherapy treatment shall provide coverage for prescribed,  
5 orally administered anticancer medications used to kill or slow the  
6 growth of cancerous cells, and shall provide coverage for dihydropyrimi-  
7 dine dehydrogenase deficiency testing prior to such treatment where such  
8 treatment consists of fluoropyrimidine or other antimetabolites. Such  
9 coverage may be subject to co-pays, coinsurance or deductibles, provided  
10 that the co-pays, coinsurance or deductibles are at least as favorable  
11 to an insured as the co-pays, coinsurance or deductibles that apply to  
12 coverage for intravenous or injected anticancer medications.

13 § 3. Subparagraph (A) of paragraph 12-a of subsection (1) of section  
14 3221 of the insurance law, as amended by chapter 12 of the laws of 2012,  
15 is amended to read as follows:

16 (A) Every policy delivered or issued for delivery in this state that  
17 provides medical, major medical, or similar comprehensive-type coverage  
18 and provides coverage for prescription drugs and also provides coverage  
19 for cancer chemotherapy treatment shall provide coverage for prescribed,  
20 orally administered anticancer medications used to kill or slow the  
21 growth of cancerous cells, and shall provide coverage for dihydropyrimi-  
22 dine dehydrogenase deficiency testing prior to such treatment where such  
23 treatment consists of fluoropyrimidine or other antimetabolites. Such  
24 coverage may be subject to co-pays, coinsurance or deductibles, provided  
25 that the co-pays, coinsurance or deductibles are at least as favorable  
26 to an insured as the co-pays, coinsurance or deductibles that apply to  
27 coverage for intravenous or injected anticancer medications.

28 § 4. Paragraph 1 of subsection (q-1) of section 4303 of the insurance  
29 law, as amended by chapter 12 of the laws of 2012, is amended to read as  
30 follows:

31 (1) Every contract issued by a medical expense indemnity corporation,  
32 a hospital service corporation or a health service corporation for  
33 delivery in this state that provides medical, major medical or similar  
34 comprehensive-type coverage and provides coverage for prescription drugs  
35 and for cancer chemotherapy treatment shall provide coverage for  
36 prescribed, orally administered anticancer medications used to kill or  
37 slow the growth of cancerous cells, and shall provide coverage for dihy-  
38 dropyrimidine dehydrogenase deficiency testing prior to such treatment  
39 where such treatment consists of fluoropyrimidine or other antimetabol-  
40 ites. Such coverage may be subject to co-pays, coinsurance or deduct-  
41 ibles, provided that the co-pays, coinsurance or deductibles are at  
42 least as favorable to an insured as the co-pays, coinsurance or deduct-  
43 ibles that apply to coverage for intravenous or injected anticancer  
44 medications.

45 § 5. The social services law is amended by adding a new section 365-o  
46 to read as follows:

47 § 365-o. Provision of dihydropyrimidine dehydrogenase deficiency test-  
48 ing. 1. The commissioner shall establish standards and guidelines for  
49 the provision of dihydropyrimidine dehydrogenase deficiency testing  
50 prior to cancer treatment through fluoropyrimidine or other antimetabol-  
51 ites under the medical assistance program.

52 2. For purposes of this section:

53 (a) "Antimetabolites" means a substance that interferes with the  
54 normal metabolic processes within cells, typically by combining with  
55 enzymes.

1 (b) "Dihydropyrimidine dehydrogenase deficiency" means a condition in  
2 which the body cannot break down the nucleotides thymine and uracil.

3 (c) "Fluoropyrimidine" means a group of substances used to treat cancer  
4 through chemotherapy.

5 § 6. This act shall take effect on the one hundred twentieth day after  
6 it shall have become a law. Effective immediately, the addition, amend-  
7 ment and/or repeal of any rule or regulation necessary for the implemen-  
8 tation of this act on its effective date are authorized to be made and  
9 completed on or before such effective date.