## A BILL FOR AN ACT

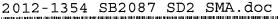
RELATING TO HEALTH.

## BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. Section 431:10A-126, Hawaii Revised Statutes, 2 is amended to read as follows: 3 "[+]\$431:10A-126[+] Chemotherapy services. Notwithstanding section 23-51, all individual and group accident 4 5 and health or sickness insurance policies that include coverage 6 or benefits for the treatment of cancer shall provide payment or 7 reimbursement for all chemotherapy that is considered medically 8 necessary as defined in section 432E-1.4, including orally 9 administered chemotherapy, at the same or lower copayment 10 percentage or relative coinsurance amount as is applied to 11 intravenously administered chemotherapy; and shall apply equally 12 to generic and nongeneric medications; provided that this 13 section shall not apply to an accident only, specified disease, 14 hospital indemnity, long-term care, or other limited benefit 15 health insurance policy. For the purposes of this section:
- 16
- 17 "Intravenously administered chemotherapy" means a
- 18 physician-prescribed cancer treatment that is administered 2012-1354 SB2087 SD2 SMA.doc



- 1 through injection directly into the patient's circulatory system
- 2 by a physician, physician assistant, nurse practitioner, nurse,
- 3 or other medical personnel under the supervision of a physician
- 4 and in a hospital, medical office, or other clinical setting.
- 5 "Oral chemotherapy" means a United States Food and Drug
- 6 Administration-approved, physician-prescribed cancer treatment
- 7 that is taken orally in the form of a tablet or capsule and may
- 8 be administered in a hospital, medical office, or other clinical
- 9 setting or may be delivered to the patient for self-
- 10 administration under the direction or supervision of a physician
- 11 outside of a hospital, medical office, or other clinical
- 12 setting."
- SECTION 2. Section 432:1-616, Hawaii Revised Statutes, is
- 14 amended to read as follows:
- 15 "[+]\$432:1-616[+] Chemotherapy services. (a) All
- 16 individual and group hospital and medical service plan contracts
- 17 that include coverage or benefits for the treatment of cancer
- 18 shall provide payment or reimbursement for all chemotherapy that
- 19 is considered medically necessary as defined in section
- 20 432E-1.4, including orally administered chemotherapy, at the
- 21 same or lower copayment percentage or relative coinsurance
- 22 amount as is applied to intravenously administered chemotherapy;





- 1 and shall apply equally to generic and nongeneric medications;
- 2 provided that this section shall not apply to an accident only,
- 3 specified disease, hospital indemnity, long-term care, or other
- 4 limited benefit health insurance policy. Individual and group
- 5 hospital and medical service plan contracts shall not provide
- 6 for an increase in enrollee cost sharing for nongeneric cancer
- 7 medications to any greater extent than the contract provides for
- 8 an increase in enrollee cost sharing for other nongeneric
- 9 covered medication.
- (b) For the purposes of this section:
- "Cost share" means copayment, coinsurance, or deductible
- 12 provisions applicable to coverage for oral, intravenous, or
- 13 injected nongeneric cancer medications.
- "Intravenously administered chemotherapy" means a
- 15 physician-prescribed cancer treatment that is administered
- 16 through injection directly into the patient's circulatory system
- 17 by a physician, physician assistant, nurse practitioner, nurse,
- 18 or other medical personnel under the supervision of a physician
- 19 and in a hospital, medical office, or other clinical setting.
- "Oral chemotherapy" means a United States Food and Drug
- 21 Administration-approved, physician-prescribed cancer treatment
- 22 that is taken orally in the form of a tablet or capsule and may



- 1 be administered in a hospital, medical office, or other clinical
- 2 setting or may be delivered to the patient for self-
- 3 administration under the direction or supervision of a physician
- 4 outside of a hospital, medical office, or other clinical
- 5 setting."
- 6 SECTION 3. Statutory material to be repealed is bracketed
- 7 and stricken. New statutory material is underscored.
- 8 SECTION 4. This Act shall take effect upon its approval.

## Report Title:

Insurance; Chemotherapy

## Description:

Requires health plans that provide coverage for cancer chemotherapy treatment to establish limits on out-of-pocket costs for cancer medications, including generic and nongeneric oral chemotherapy. (SD2)

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