

JAN 19 2012

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.** (a)
4 Notwithstanding section 23-51, all individual and group accident
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~~ nongeneric, oral chemotherapy, ~~[at the same~~
10 ~~copayment percentage or relative coinsurance amount as is~~
11 ~~applied to intravenously administered chemotherapy;]~~ with a
12 percentage cost share that is equal to the percentage cost share
13 for orally administered, nongeneric cancer medications or the
14 percentage cost share for intravenous or injected, nongeneric
15 cancer medications, whichever is lower; provided that this
16 section shall not apply to an accident only, specified disease,
17 hospital indemnity, long-term care, or other limited benefit
18 health insurance policy. Individual and group accident and



1 health or sickness insurance policies shall not provide for an
2 increase in enrollee cost sharing for nongeneric cancer
3 medications to any greater extent than the policy provides for
4 an increase in enrollee cost sharing for other nongeneric
5 covered medication.

6 (b) For the purposes of this section:

7 "Cost share" means copayment, coinsurance, or deductible
8 provisions applicable to coverage for oral, intravenous, or
9 injected nongeneric cancer medications.

10 "Intravenously administered chemotherapy" means a
11 physician-prescribed cancer treatment that is administered
12 through injection directly into the patient's circulatory system
13 by a physician, physician assistant, nurse practitioner, nurse,
14 or other medical personnel under the supervision of a physician
15 and in a hospital, medical office, or other clinical setting.

16 "Oral chemotherapy" means a United States Food and Drug
17 Administration-approved, physician-prescribed cancer treatment
18 that is taken orally in the form of a tablet or capsule and may
19 be administered in a hospital, medical office, or other clinical
20 setting or may be delivered to the patient for self-
21 administration under the direction or supervision of a physician



1 outside of a hospital, medical office, or other clinical
2 setting."

3 SECTION 2. Section 432:1-616, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[+]§432:1-616[+] **Chemotherapy services.** (a) All
6 individual and group hospital and medical service plan contracts
7 that include coverage or benefits for the treatment of cancer
8 shall provide payment or reimbursement for all chemotherapy that
9 is considered medically necessary as defined in section 432E-
10 1.4, including [~~orally administered~~] nongeneric, oral
11 chemotherapy, [at the same copayment percentage or relative
12 coinsurance amount as is applied to intravenously administered
13 chemotherapy,] with a percentage cost share that is equal to the
14 percentage cost share for orally administered, nongeneric cancer
15 medications or the percentage cost share for intravenous or
16 injected, nongeneric cancer medications, whichever is lower;
17 provided that this section shall not apply to an accident only,
18 specified disease, hospital indemnity, long-term care, or other
19 limited benefit health insurance policy. Individual and group
20 hospital and medical service plan contracts shall not provide
21 for an increase in enrollee cost sharing for nongeneric cancer
22 medications to any greater extent than the contract provides for



1 an increase in enrollee cost sharing for other nongeneric
2 covered medication.

3 (b) For the purposes of this section:

4 "Cost share" means copayment, coinsurance, or deductible
5 provisions applicable to coverage for oral, intravenous, or
6 injected nongeneric cancer medications.

7 "Intravenously administered chemotherapy" means a
8 physician-prescribed cancer treatment that is administered
9 through injection directly into the patient's circulatory system
10 by a physician, physician assistant, nurse practitioner, nurse,
11 or other medical personnel under the supervision of a physician
12 and in a hospital, medical office, or other clinical setting.

13 "Oral chemotherapy" means a United States Food and Drug
14 Administration-approved, physician-prescribed cancer treatment
15 that is taken orally in the form of a tablet or capsule and may
16 be administered in a hospital, medical office, or other clinical
17 setting or may be delivered to the patient for self-
18 administration under the direction or supervision of a physician
19 outside of a hospital, medical office, or other clinical
20 setting."

21 SECTION 3. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.



S.B. NO. 2087

1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY: *JLM*



S.B. NO. 2087

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 nongeneric, oral chemotherapy.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

