
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 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.

16 (b) For the purposes of this section:

17 " Intravenously administered chemotherapy" means a
18 physician-prescribed cancer treatment that is administered



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."

13 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.

10 (b) For the purposes of this section:

11 "Cost share" means copayment, coinsurance, or deductible
12 provisions applicable to coverage for oral, intravenous, or
13 injected nongeneric cancer medications.

14 "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.

20 "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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