

JAN 18 2019

A BILL FOR AN ACT

RELATING TO HEALTH CARE INSURANCE.

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

1 SECTION 1. The legislature finds that, according to the
2 department of health, cancer is the second leading cause of
3 death among Hawaii residents, claiming more than two thousand
4 two hundred Hawaii residents each year. The legislature further
5 finds that cancer patients should have full access to effective
6 treatment options at early stages of their illnesses.

7 The purpose of this Act is to prohibit health insurers that
8 cover treatment for stage two through stage five cancer from
9 requiring an insured diagnosed with stage two through stage five
10 cancer to undergo step therapy prior to covering the insured for
11 the drug prescribed by the insured's health care provider, under
12 certain conditions.

13 SECTION 2. Chapter 431, Hawaii Revised Statutes, is
14 amended by adding a new section to part I of article 10A to be
15 appropriately designated and to read as follows:

16 "§431:10A- Step therapy prohibited; stage two through
17 stage five cancer. (a) No individual accident and health or



1 sickness policy issued or renewed in the State after
 2 December 31, 2018, that provides coverage for the treatment of
 3 stage two through stage five cancer shall require an insured who
 4 is diagnosed with a stage two through stage five cancer to
 5 undergo step therapy prior to covering the drug prescribed by
 6 the insured's health care provider if the prescribed drug is:

- 7 (1) An investigational new drug; or
- 8 (2) A prescription drug:
 - 9 (A) That is approved by the United States Food and
 - 10 Drug Administration;
 - 11 (B) Whose use is consistent with best practices for
 - 12 the treatment of the cancer in its respective
 - 13 stage; and
 - 14 (C) That is listed on the insurer's prescription drug
 - 15 formulary.

16 (b) For the purposes of this section:
 17 "Investigational new drug" has the same meaning as provided
 18 under 21 Code of Federal Regulations section 312.3.

19 "Step therapy" means a protocol that requires an insured to
 20 use a prescription drug or sequence of prescription drugs, other
 21 than the drug that the insured's health care provider recommends



1 for the insured's treatment, before the insurer provides
2 coverage for the recommended prescription drug."

3 SECTION 3. Chapter 431, Hawaii Revised Statutes, is
4 amended by adding a new section to part II of article 10A to be
5 appropriately designated and to read as follows:

6 **"§431:10A- Step therapy prohibited; stage two through**
7 **stage five cancer.** (a) No group accident and health or
8 sickness policy issued or renewed in the State after December
9 31, 2018, that provides coverage for the treatment of stage two
10 through stage five cancer shall require an insured who is
11 diagnosed with a stage two through stage five cancer to undergo
12 step therapy prior to covering the drug prescribed by the
13 insured's health care provider if the prescribed drug is:

14 (1) An investigational new drug; or

15 (2) A prescription drug:

16 (A) That is approved by the United States Food and
17 Drug Administration;

18 (B) Whose use is consistent with best practices for
19 the treatment of the cancer in its respective
20 stage; and



1 (C) That is listed on the insurer's prescription drug
2 formulary.

3 (b) For the purposes of this section:

4 "Investigational new drug" has the same meaning as provided
5 under 21 Code of Federal Regulations section 312.3.

6 "Step therapy" means a protocol that requires an insured to
7 use a prescription drug or sequence of prescription drugs, other
8 than the drug that the insured's health care provider recommends
9 for the insured's treatment, before the insurer provides
10 coverage for the recommended prescription drug."

11 SECTION 4. Chapter 432, Hawaii Revised Statutes, is
12 amended by adding a new section to part VI of article 1 to be
13 appropriately designated and to read as follows:

14 **§432:1- Step therapy prohibited; stage two through**
15 **stage five cancer.** (a) No individual or group hospital or
16 medical service plan contract issued or renewed in the State
17 after December 31, 2018, that provides coverage for the
18 treatment of stage two through stage five cancer shall require a
19 subscriber or member who is diagnosed with a stage two through
20 stage five cancer to undergo step therapy prior to covering the



1 drug prescribed by the subscriber's or member's health care
2 provider if the prescribed drug is:

3 (1) An investigational new drug; or

4 (2) A prescription drug:

5 (A) That is approved by the United States Food and
6 Drug Administration;

7 (B) Whose use is consistent with best practices for
8 the treatment of the cancer in its respective
9 stage; and

10 (C) That is listed on the mutual benefit society's
11 prescription drug formulary.

12 (b) For the purposes of this section:

13 "Investigational new drug" has the same meaning as provided
14 under 21 Code of Federal Regulations section 312.3.

15 "Step therapy" means a protocol that requires a subscriber
16 or member to use a prescription drug or sequence of prescription
17 drugs, other than the drug that the subscriber's or member's
18 health care provider recommends for the subscriber's or member's
19 treatment, before the mutual benefit society provides coverage
20 for the recommended prescription drug."



1 SECTION 5. Chapter 432D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 **"§432D- Step therapy prohibited; stage two through**
5 **stage five cancer.** (a) No policy, contract, plan, or agreement
6 issued or renewed in the State after December 31, 2018, that
7 provides coverage for the treatment of stage two through stage
8 five cancer shall require an enrollee who is diagnosed with a
9 stage two through stage five cancer to undergo step therapy
10 prior to covering the drug prescribed by the enrollee's health
11 care provider if the prescribed drug is:

12 (1) An investigational new drug; or

13 (2) A prescription drug:

14 (A) That is approved by the United States Food and
15 Drug Administration;

16 (B) Whose use is consistent with best practices for
17 the treatment of the cancer in its respective
18 stage; and

19 (C) That is listed on the health maintenance
20 organization's prescription drug formulary.

21 (b) For the purposes of this section:



1 "Investigational new drug" has the same meaning as provided
2 under 21 Code of Federal Regulations section 312.3.

3 "Step therapy" means a protocol that requires an enrollee
4 to use a prescription drug or sequence of prescription drugs,
5 other than the drug that the enrollee's health care provider
6 recommends for the enrollee's treatment, before the health
7 maintenance organization provides coverage for the recommended
8 prescription drug."

9 SECTION 6. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 7. New statutory material is underscored.

13 SECTION 8. This Act shall take effect on July 1, 2019.

14

INTRODUCED BY:

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S.B. NO. 493

Report Title:

Health Care Insurance; Step Therapy

Description:

Prohibits a health care insurer from requiring an insured diagnosed with stage two through stage five cancer to undergo step therapy prior to covering the insured for the drug prescribed by the insured's health care provider, under certain conditions.

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