

ACT 30

H.B. NO. 1964

A Bill for an Act Relating To Health.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 431:10A-126, Hawaii Revised Statutes, is amended to read as follows:

~~“[§431:10A-126]—Chemotherapy services.]~~ **Cancer treatment.** (a) Notwithstanding section 23-51, all individual and group accident and health or sickness insurance policies that include coverage or benefits for the treatment of cancer shall provide payment or reimbursement for all types of chemotherapy that [is] are considered medically necessary as defined in section 432E-1.4[; including].

(b) The cost-sharing for generic and non-generic [orally administered] oral chemotherapy[;] shall be provided at the same or lower [copayment percentage or relative coinsurance] amount or percentage as is applied to generic and non-generic intravenously administered chemotherapy; provided that [this section shall not apply to an accident only, specified disease, hospital indemnity, long-term care, or other limited benefit health insurance policy.] an insurer shall not increase the cost-share for intravenously administered chemotherapy in order to achieve compliance with this subsection.

(c) Individual and group accident and health or sickness insurance policies shall not increase enrollee cost-sharing for non-generic medications used for the treatment of cancer to any greater extent than such policies increase enrollee cost-sharing for other covered non-generic medication.

~~[(b)]~~ (d) For the purposes of this section:

“Cost-share” or “cost-sharing” means copayment, coinsurance, or deductible provisions applicable to coverage for medications or treatments.

“Intravenously administered chemotherapy” means a physician-prescribed cancer treatment that is administered through injection directly into the patient’s circulatory system by a physician, physician assistant, nurse practitioner, nurse, or other medical personnel under the supervision of a physician and in a hospital, medical office, or other clinical setting.

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

(e) This section shall not apply to an accident-only, specified disease, hospital indemnity, long-term care, or other limited-benefit health insurance policy.”

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

~~“[§432:1-616]—Chemotherapy services.] Cancer treatment.~~ (a) All individual and group hospital and medical service plan contracts that include coverage or benefits for the treatment of cancer shall provide payment or reimbursement for all types of chemotherapy that [is] are considered medically necessary as defined in section 432E-1.4[~~, including~~].

~~(b) The cost-sharing for generic and non-generic [orally administered] oral chemotherapy[;] shall be provided at the same or lower [copayment percentage or relative coinsurance] amount or percentage as is applied to generic and non-generic intravenously administered chemotherapy; provided that [this section shall not apply to an accident only, specified disease, hospital indemnity, long-term care, or other limited-benefit health insurance policy.] an insurer shall not increase the cost-share for intravenously administered chemotherapy in order to achieve compliance with this subsection.~~

~~(c) Individual and group hospital and medical service plan contracts shall not increase enrollee cost-sharing for non-generic medications used for the treatment of cancer to any greater extent than such policies increase enrollee cost-sharing for other covered non-generic medication.~~

~~[(b)] (d) For the purposes of this section:~~

~~“Cost-share” or “cost-sharing” means copayment, coinsurance, or deductible provisions applicable to coverage for medications or treatments.~~

~~“Intravenously administered chemotherapy” means a physician-prescribed cancer treatment that is administered through injection directly into the patient’s circulatory system by a physician, physician assistant, nurse practitioner, nurse, or other medical personnel under the supervision of a physician and in a hospital, medical office, or other clinical setting.~~

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

~~(e) This section shall not apply to an accident-only, specified disease, hospital indemnity, long-term care, or other limited-benefit health insurance policy.~~

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

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

(Approved April 20, 2012.)