

FAIR ACCESS TO CANCER TREATMENT ACT - ENACTMENT

Act of Feb. 12, 2020, P.L. , No. 6

Cl. 35

An Act

Providing for health insurance coverage requirements for stage four, advanced metastatic cancer.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Fair Access to Cancer Treatment Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Enrollee." Any policyholder, subscriber, covered person or other individual who is entitled to receive health care services under a health insurance policy.

"Health insurance carrier." An entity that offers or issues a health insurance policy and is subject to any of the following:

(1) The act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, including section 630 and Article XXIV of the act.

(2) The act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.

(3) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations).

"Health insurance policy." A policy, contract, certificate or agreement offered, issued or renewed by a health insurance carrier to provide coverage for health care services. The term does not include the following types of policies:

- (1) Accident only.
- (2) Limited benefit.
- (3) Credit.
- (4) Vision.
- (5) Dental.
- (6) Specified disease.
- (7) Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) supplement.
- (8) Long-term care or disability income.
- (9) Workers' compensation.
- (10) Automobile medical payment.
- (11) Fixed indemnity.
- (12) Hospital indemnity.
- (13) Medicare supplement.

"Stage four, advanced metastatic cancer." Cancer that has spread from the primary or original site of the cancer to nearby tissues, lymph nodes or other areas or parts of the body.

Section 3. Utilization management for stage four, advanced metastatic cancer drugs.

A health insurance carrier or health insurance policy that, directly or indirectly, covers the treatment of stage four, advanced metastatic cancer may not require an enrollee to first fail to successfully respond to a different drug, or prove a history of failure in use of a different drug, before providing coverage for a covered drug to which both of the following apply:

- (1) The drug is approved by the United States Food and Drug Administration for this indication.
- (2) The prescription of the drug is consistent with the best clinical practices for the treatment of stage four, advanced metastatic cancer or a severe adverse health condition experienced as a result of stage four, advanced metastatic cancer, and is supported by peer-reviewed medical literature.

Section 4. Applicability.

This act shall apply as follows:

(1) For a health insurance policy for which either rates or forms are required to be filed with the Federal Government or the Insurance Department, this act shall apply to any policy for which a form or rate is first filed on or after 180 days after the effective date of this act.

(2) For a health insurance policy for which neither rates nor forms are required to be filed with the Federal Government or the Insurance Department, this act shall apply to any policy issued or renewed on or after 180 days after the effective date of this act.

Section 5. Effective date.

This act shall take effect in 60 days.