

House Bill 943 (COMMITTEE SUBSTITUTE)

By: Representatives Hawkins of the 27th, Smith of the 134th, Ramsey of the 72nd, Cooper of the 43rd, Broadrick of the 4th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding insurance generally, so as to require that a health
3 benefit policy that provides coverage for intravenously administered or injected
4 chemotherapy for the treatment of cancer shall provide coverage no less favorable for orally
5 administered chemotherapy; to provide a short title; to provide for definitions; to provide
6 prohibited actions; to provide an effective date; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Cancer Treatment Fairness Act."

11 **SECTION 2.**

12 Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to
13 general provisions regarding insurance generally, is amended by adding a new Code section
14 to read as follows:

15 "33-24-56.5.

16 (a) As used in this Code section, the term:

17 (1) 'Cost sharing requirements' includes co-payments, coinsurance, deductibles, and any
18 other amounts paid by the covered person for a prescription dispensed by a licensed retail
19 pharmacy.

20 (2) 'Health benefit policy' means any individual or group plan, policy, or contract for
21 health care services issued, delivered, issued for delivery, executed, or renewed by an
22 insurer in this state on or after January 1, 2015. The term 'health benefit policy' does not
23 include the following limited benefit insurance policies: accident only, CHAMPUS
24 supplement, dental, disability income, fixed indemnity, long-term care, medicare

25 supplement, specified disease, vision, self-insured plans, and nonrenewable individual
 26 policies written for a period of less than six months.

27 (3) 'Insurer' means any person, corporation, or other entity authorized to provide health
 28 benefit policies under this title.

29 (b) A health benefit policy that provides coverage for intravenously administered or
 30 injected chemotherapy for the treatment of cancer shall provide coverage for orally
 31 administered chemotherapy for the treatment of cancer on a basis no less favorable than the
 32 intravenously administered or injected chemotherapy regardless of the formulation or
 33 benefit category determination by the insurer.

34 (c) An insurer providing a health benefit policy and any participating entity through which
 35 the insurer offers health services shall not:

36 (1) Vary the terms of any health benefit policy in effect on December 30, 2014, to avoid
 37 compliance with this Code section;

38 (2) Provide any incentive, including, but not limited to, a monetary incentive, or impose
 39 treatment limitations to encourage a covered person to accept less than the minimum
 40 protections available under this Code section;

41 (3) Penalize a health care practitioner or reduce or limit the compensation of a health
 42 care practitioner for recommending or providing services or care to a covered person as
 43 required under this Code section;

44 (4) Provide any incentive, including, but not limited to, a monetary incentive, to induce
 45 a health care practitioner to provide care or services that do not comply with this Code
 46 section; or

47 (5) Change the classification of any intravenously administered or injected chemotherapy
 48 treatment or increase the amount of cost sharing applicable to any intravenously
 49 administered or injected chemotherapy in effect on January 1, 2015, in order to achieve
 50 compliance with this Code section.

51 (d) An insurer that limits the total amount paid by a covered person through all cost
 52 sharing requirements to no more than \$200.00 per filled prescription for any orally
 53 administered chemotherapy shall be deemed to be in compliance with this Code section."

54 **SECTION 4.**

55 This Act shall become effective on January 1, 2015.

56 **SECTION 5.**

57 All laws and parts of laws in conflict with this Act are repealed.