

Senate Bill No. 289

(By Senators Takubo, Stollings, Carmichael, Ferns, Walters, Gaunch and Miller)

[Introduced January 23, 2015; referred to the Committee on Banking and Insurance; and then to the Committee on the Judiciary.]

A BILL to amend the of Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-6-38, relating to prohibiting requiring insured person to pay higher copayment, deductibles or coinsurance for orally administered anticancer medications than is required for those injected or intravenously administered by health care provider.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §33-6-38, to read as follows:

ARTICLE 6. THE INSURANCE POLICY.

§33-6-38. Orally administered cancer drugs discrimination prohibited.

(a) Notwithstanding any provision of this code to the contrary, any health plan or policy covered by any article of this chapter that covers anti-cancer medications that are injected or intravenously administered by a health care provider and patient administered anti-cancer medications, including, but not limited to, those orally administered or self-injected, may not require a higher copayment, deductible, or coinsurance amount for patient administered anti-cancer

1 medications than it requires for injected or intravenously administered anti-cancer medications
2 regardless of the formulation or benefit category determination by the policy or plan.

3 (b) The health insurance policy or plan may not comply with subsection (a) of this section
4 by:

5 (1) Increasing the copayment, deductible or coinsurance amount required for injected or
6 intravenously administered anti-cancer medications covered under the policy or plan; or

7 (2) Reclassifying benefits with respect to anti-cancer medications.

8 (c) The policy or plan may not impose conditions on an insured's or plan member's treatment
9 with prescribed orally administered anti-cancer medications or intravenously administered or
10 injected anti-cancer medications that are more restrictive than the conditions that apply to an
11 insured's or plan member's treatment with the medication on the effective date of this section. For
12 the purposes of this section "anti-cancer medication" means drugs and biologics that are used to kill,
13 slow or prevent the growth of cancerous cells.

NOTE: The purpose of this bill is to prohibit state-regulated health insurance plans and policies that cover various anti-cancer treatments to require higher copayments, deductibles or coinsurance for oral anti-cancer treatments.

This is a new section; therefore it has been completely underscored.