

SENATE DOCKET NO. 00302 FILED ON: 01/19/2011

SENATE

. No. 0107002363

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen Brewer

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to oral cancer therapy.

PETHION OF:

SENATE, July 19, 2012

The committee on Ways and Means

For the committee,

STEPHEN M. BREWER.

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SENATE No. 01070

By Mr. Brewer, petition (accompanied by bill, Senate, No. 1070) of Gobi, Kane and Brewer for legislation relative to oral cancer therapy [Joint Committee on Public Health].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2271 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand ElevenTwelve

An Act relative to oral cancer therapy:-

1 ~~Be it enacted by the Senate and House~~ SECTION 1. Chapter 32A of ~~Representatives in the~~

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2 General Court assembled, and Laws is hereby amended by inserting after section 17I the following

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3 section:-

~~Section 17J. Any coverage offered by the authority commission to an active or retired employee of the same, as follows:~~

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4 SECTION 1. Notwithstanding the provisions of any general law, rule, or regulation
5 to commonwealth insured under the contrary, a health benefit plan group insurance commission
6 that provides coverage for cancer chemotherapy treatment must shall provide coverage for a
7 prescribed, orally administered anticancer medication medications used to kill or slow the growth
8 of cancerous cells on a basis no less favorable than intravenously administered or injected cancer

31 Section 4EE. Any subscription certificate under an individual or group medical service
32 agreement delivered, issued or renewed within the commonwealth that provides coverage for
33 cancer chemotherapy treatment shall provide coverage for prescribed, orally administered
34 anticancer medications used to kill or slow the growth of cancerous cells on a basis no less
35 favorable than intravenously administered or injected cancer medications that are covered as
36 medical benefits. An increase in patient cost sharing for anticancer medications shall not be
37 allowed to achieve compliance with this section.

38 SECTION 5. Chapter 176G of the General Laws is hereby amended by inserting after
39 section 4V the following section:-

40 Section 4W. Any individual or group health maintenance contract that provides coverage
41 for cancer chemotherapy treatment shall provide coverage for prescribed, orally administered
42 anticancer medications used to kill or slow the growth of cancerous cells on a basis no less
43 favorable than intravenously administered or injected cancer medications that are covered as
44 medical benefits. An increase in patient cost sharing for anticancer medications shall not be
45 allowed to achieve compliance with this section.

46 SECTION 6. Sections 1 to 5, inclusive, shall apply to all policies, contracts and
47 certificates of health insurance subject to section 17J of chapter 32A, section 47BB of chapter
48 175, section 8EE of chapter 176A, section 4EE of chapter 176B and section 4W of chapter 176G
49 of the General Laws which are delivered, issued or renewed on or after January 1, 2013.

SENATE

.. No. 02363

The committee on Ways and Means

The Commonwealth of Massachusetts

SENATE, July 19, 2012

The committee on Ways and Means

For the committee,

STEPHEN M. BREWER.

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12 Section 47BB. Any policy, contract, agreement, plan or certificate of insurance issued,
13 delivered or renewed within the commonwealth that provides coverage for cancer chemotherapy
14 treatment shall provide coverage for prescribed, orally administered anticancer medications used
15 to kill or slow the growth of cancerous cells on a basis no less favorable than intravenously
16 administered or injected cancer medications that are covered as medical benefits. An increase in
17 patient cost sharing for anticancer medications shall not be allowed to achieve compliance with
18 this section.

19 SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after
20 section 8DD the following section:-

21 Section 8EE. Any contract between a subscriber and the corporation under an individual
22 or group hospital service plan which is delivered, issued or renewed within the commonwealth
23 that provides coverage for cancer chemotherapy treatment shall provide coverage for prescribed,
24 orally administered anticancer medications used to kill or slow the growth of cancerous cells on
25 a basis no less favorable than intravenously administered or injected cancer medications that are
26 covered as medical benefits. An increase in patient cost sharing for anticancer medications shall
27 not be allowed to achieve compliance with this section.

28 SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after
29 section 4DD the following section:-

30 Section 4EE. Any subscription certificate under an individual or group medical service
31 agreement delivered, issued or renewed within the commonwealth that provides coverage for
32 cancer chemotherapy treatment shall provide coverage for prescribed, orally administered
33 anticancer medications used to kill or slow the growth of cancerous cells on a basis no less

Committee on Public Health Bill Summary

Bill No. S.2363

Title: An Act relative to oral cancer therapy

Sponsor: Senate Ways and Means

Committee: Public Health

Hearing Date: Original draft, S.1070, heard June 14, 2011

Similar Matters: None

Prior History: A late filed petition in the 2009-2010 legislative session, filed as S.2271, Referred to Committee on Public Health. Public hearing on May 10, 2010. Bill reported favorably and referred to Committee on Health Care Financing. Discharged to Senate Ways and Means; recommended ought to pass with an amendment, substituting a new draft, see S.2363. New draft substituted, ordered to a third reading, passed to be engrossed. Referred to House Ways and Means.

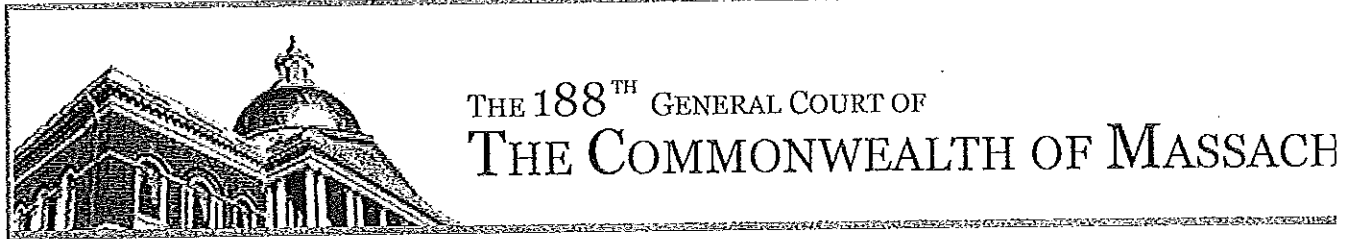
Current Law:

- **M.G.L. Chapter 32A** establishes contributory group general or blanket insurance for persons in the service of the Commonwealth under the group insurance commission.
- **M.G.L. Chapter 118E** establishes the division of medical assistance including the Commonwealth's Medicaid program, known as MassHealth.
- **M.G.L. Chapter 118H** establishes the Commonwealth Care health insurance program within the Commonwealth Health Insurance Connector.
- **M.G.L. Chapter 175** establishes individual or group blanket accident and sickness insurance regulations, rules and policies.
- **M.G.L. Chapter 176A** codifies standards needed to establish, maintain and operate Blue Cross, non-profit hospital service corporations.
- **M.G.L. Chapter 176B** codifies the standards needed to establish, maintain and operate Blue Shield, medical service corporations.

- **M.G.L. Chapter 176G** codifies the standards needed to establish, maintain and operate a Health Maintenance Organization (HMO) in the Commonwealth.
- **M.G.L. Chapter 176I** describes health benefit plans and minimum requirements for preferred provider arrangements.

Summary: This legislation is mandating a health benefit plan that provides coverage for cancer chemotherapy treatment to cover orally administered anticancer medication with no increase in patient cost sharing.

- SECTION 1 seeks to amend Chapter 32A by inserting §17J and requiring all insurance plans offered by the Group Insurance Commission which provide chemotherapy treatment coverage to also cover orally administered anticancer medications, without increased patient cost sharing.
- SECTION 2 seeks to amend Chapter 175 by inserting §47BB and requiring all policies, contracts, agreements, plans, or certificates of insurance issued in Massachusetts which provide chemotherapy treatment coverage to also cover orally administered anticancer medications, without increased patient cost sharing.
- SECTION 3 seeks to amend Chapter 176A by inserting §8EE and requiring all insurance plans offered by Blue Cross, non-profit hospital corporations which provide chemotherapy treatment coverage to also cover orally administered anticancer medications, without increased patient cost sharing.
- SECTION 4 seeks to amend Chapter 17B by inserting §4EE and requiring all insurance plans offered by Blue Shield, medical service corporations which provide chemotherapy treatment coverage to also cover orally administered anticancer medications, without increased patient cost sharing.
- SECTION 5 seeks to amend Chapter 176G by inserting §4W and requiring all insurance plans offered by an HMO which provide chemotherapy treatment coverage to also cover orally administered anticancer medications, without increased patient cost sharing.
- SECTION 6 states that SECTION 1 through SECTION 5 will apply to all policies addressed by January 1, 2013.



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SECTION 1. Chapter 32A of the General Laws is hereby amended by inserting after section 17J the following section:-

Section 17J. Any coverage offered by the commission to an active or retired employee of the commonwealth insured under the group insurance commission that provides coverage for chemotherapy treatment shall provide coverage for prescribed, orally administered anti-cancer medications used to kill or slow the growth of cancerous cells on a basis no less favorable than that for intravenously administered or injected cancer medications that are covered as medical benefits. Any increase in patient cost sharing for anticancer medications shall not be allowed to achieve the same level as with this section.

SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after section 47BB the following section:-

Section 47BB. Any policy, contract, agreement, plan or certificate of insurance issued, or

Actions for Bill S.2363

Date	Branch	Action
7/19/2012	Senate	Reported from the committee on Senate Ways and Means
7/19/2012	Senate	New draft of S1070
7/19/2012	Senate	Rules suspended
7/19/2012	Senate	Substituted for S1070
7/19/2012	Senate	Ordered to a third reading

Date	Branch	Action
7/30/2012	House	Committee reported that the matter be placed in the Orders of the Day for the next sitting amendment pending
7/30/2012	House	Rules suspended
7/30/2012	House	Read second, amended (as recommended by the committee on Ways and Means) and ordered
12/31/2012	House	Read third
12/31/2012	House	Amendment adopted
12/31/2012	House	Amendment adopted
12/31/2012	House	Passed to be engrossed
12/31/2012	Senate	Rules suspended
12/31/2012	Senate	Senate concurred in the House amendment
12/31/2012	House	Enacted
12/31/2012	Senate	Enacted

Signed into law, 01/04/2013

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THE 187TH GENERAL COURT OF
THE COMMONWEALTH OF MASSACHUSETTS

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SECTION 1. Chapter 32A of the General Laws is hereby amended by inserting after section 17I the following section:-

Section 17J. Any coverage offered by the commission to an active or retired employee of the commonwealth insured under the group insurance commission that provides coverage for cancer chemotherapy treatment shall provide coverage for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells on a basis no less favorable than intravenously administered or injected cancer medications that are covered as medical benefits. An increase in patient cost sharing for anticancer medications shall not be allowed to achieve compliance with this section.

SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after section 47AA the following section:-

Section 47BB. Any policy, contract, agreement, plan or certificate of insurance issued, delivered or

Actions for Bill S.2363

Date	Branch	Action
7/19/2012	Senate	Reported from the committee on Senate Ways and Means
7/19/2012	Senate	New draft of S1070
7/19/2012	Senate	Rules suspended
7/19/2012	Senate	Substituted for S1070
7/19/2012	Senate	Ordered to a third reading
7/19/2012	Senate	Read third and passed to be engrossed
7/23/2012	House	Referred to the House committee on Ways and Means
7/30/2012	House	Committee recommended ought to pass with an amendment, striking out all after the enacting clause and inserting in place thereof the text of an amendment, H4349 - <i>see file</i>
7/30/2012	House	Referred to the House committee on Steering, Policy and Scheduling with the amendment pending

Committee on Public Health Bill Summary

Bill No. S.2363

Title: An Act relative to oral cancer therapy

Sponsor: Senator Stephen M. Brewer

Committee: Public Health

Hearing Date: Original draft, S.1070, heard June 14, 2011

Similar Matters: None

Prior History: A late filed petition in the 2009-2010 legislative session, filed as S.2271, Referred to Committee on Public Health. Public hearing on May 10, 2010. Bill reported favorably and referred to Committee on Health Care Financing. Discharged to Senate Ways and Means; recommended ought to pass with an amendment, substituting a new draft, see S.2363. New draft substituted, ordered to a third reading, passed to be engrossed. Referred to House Ways and Means.

Current Law:

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- **M.G.L. Chapter 175** establishes individual or group blanket accident and sickness insurance regulations, rules and policies.
- **M.G.L. Chapter 176A** codifies standards needed to establish, maintain and operate Blue Cross, non-profit hospital service corporations.
- **M.G.L. Chapter 176B** codifies the standards needed to establish, maintain and operate Blue Shield, medical service corporations.

- **M.G.L. Chapter 176G** codifies the standards needed to establish, maintain and operate a Health Maintenance Organization (HMO) in the Commonwealth.
- **M.G.L. Chapter 176I** describes health benefit plans and minimum requirements for preferred provider arrangements.

Summary: This legislation is mandating a health benefit plan that provides coverage for cancer chemotherapy treatment to cover orally administered anticancer medication with no increase in patient cost sharing.

- SECTION 1 seeks to amend Chapter 32A by inserting §17J and requiring all insurance plans offered by the Group Insurance Commission which provide chemotherapy treatment coverage to also cover orally administered anticancer medications, without increased patient cost sharing.
- SECTION 2 seeks to amend Chapter 175 by inserting §47BB and requiring all policies, contracts, agreements, plans, or certificates of insurance issued in Massachusetts which provide chemotherapy treatment coverage to also cover orally administered anticancer medications, without increased patient cost sharing.
- SECTION 3 seeks to amend Chapter 176A by inserting §8EE and requiring all insurance plans offered by Blue Cross, non-profit hospital corporations which provide chemotherapy treatment coverage to also cover orally administered anticancer medications, without increased patient cost sharing.
- SECTION 4 seeks to amend Chapter 17B by inserting §4EE and requiring all insurance plans offered by Blue Shield, medical service corporations which provide chemotherapy treatment coverage to also cover orally administered anticancer medications, without increased patient cost sharing.
- SECTION 5 seeks to amend Chapter 176G by inserting §4W and requiring all insurance plans offered by an HMO which provide chemotherapy treatment coverage to also cover orally administered anticancer medications, without increased patient cost sharing.
- SECTION 6 states that SECTION 1 through SECTION 5 will apply to all policies addressed by January 1, 2013.

SENATE No. 02363

The Commonwealth of Massachusetts

SENATE, July 19, 2012

The committee on Ways and Means

For the committee,

STEPHEN M. BREWER.

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

1 SECTION 1. Chapter 32A of the General Laws is hereby amended by inserting after
2 section 17I the following section:-

3 Section 17J. Any coverage offered by the commission to an active or retired employee of
4 the commonwealth insured under the group insurance commission that provides coverage for
5 cancer chemotherapy treatment shall provide coverage for prescribed, orally administered
6 anticancer medications used to kill or slow the growth of cancerous cells on a basis no less
7 favorable than intravenously administered or injected cancer medications that are covered as
8 medical benefits. An increase in patient cost sharing for anticancer medications shall not be
9 allowed to achieve compliance with this section.

10 SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after
11 section 47AA the following section:-

12 Section 47BB. Any policy, contract, agreement, plan or certificate of insurance issued,
13 delivered or renewed within the commonwealth that provides coverage for cancer chemotherapy
14 treatment shall provide coverage for prescribed, orally administered anticancer medications used
15 to kill or slow the growth of cancerous cells on a basis no less favorable than intravenously
16 administered or injected cancer medications that are covered as medical benefits. An increase in

17 patient cost sharing for anticancer medications shall not be allowed to achieve compliance with
18 this section.

19 SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after
20 section 8DD the following section:-

21 Section 8EE. Any contract between a subscriber and the corporation under an individual
22 or group hospital service plan which is delivered, issued or renewed within the commonwealth
23 that provides coverage for cancer chemotherapy treatment shall provide coverage for prescribed,
24 orally administered anticancer medications used to kill or slow the growth of cancerous cells on
25 a basis no less favorable than intravenously administered or injected cancer medications that are
26 covered as medical benefits. An increase in patient cost sharing for anticancer medications shall
27 not be allowed to achieve compliance with this section.

28 SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after
29 section 4DD the following section:-

30 Section 4EE. Any subscription certificate under an individual or group medical service
31 agreement delivered, issued or renewed within the commonwealth that provides coverage for
32 cancer chemotherapy treatment shall provide coverage for prescribed, orally administered
33 anticancer medications used to kill or slow the growth of cancerous cells on a basis no less
34 favorable than intravenously administered or injected cancer medications that are covered as
35 medical benefits. An increase in patient cost sharing for anticancer medications shall not be
36 allowed to achieve compliance with this section.

37 SECTION 5. Chapter 176G of the General Laws is hereby amended by inserting after
38 section 4V the following section:-

39 Section 4W. Any individual or group health maintenance contract that provides coverage
40 for cancer chemotherapy treatment shall provide coverage for prescribed, orally administered
41 anticancer medications used to kill or slow the growth of cancerous cells on a basis no less
42 favorable than intravenously administered or injected cancer medications that are covered as
43 medical benefits. An increase in patient cost sharing for anticancer medications shall not be
44 allowed to achieve compliance with this section.

45 SECTION 6. Sections 1 to 5, inclusive, shall apply to all policies, contracts and
46 certificates of health insurance subject to section 17J of chapter 32A, section 47BB of chapter
47 175, section 8EE of chapter 176A, section 4EE of chapter 176B and section 4W of chapter 176G
48 of the General Laws which are delivered, issued or renewed on or after January 1, 2013.

Chairman Jeffrey Sánchez
Brief Remarks for Public Health Committee Bills
On House Calendar

Calendar Item: Papers from the Senate

Bill #: S.2363

Bill Title: *An Act relative to oral cancer therapy*

Sponsor: Sen. Brewer

Bill History: This bill was reported favorably by PHC on July 28, 2011 and referred to HCF. Discharged to SWM, and recommended ought to pass with an amendment substituting a new draft, S.2363. New draft substituted, ordered to a third reading, passed to be engrossed; referred to HWM.

- Thank you to the speaker and through you the members.
- I rise in support of Senate bill 2363.
- This bill would mandate health benefit plans that provide coverage for cancer chemotherapy treatments to cover orally administered anticancer medications without any increase in patient cost sharing.
- This bill will improve patient experience and convenience while also reducing the number of doctor visits necessary for a cancer patient to receive medical treatment.
- By passing this bill, we'd join eighteen other states, and the District of Columbia, currently requiring parity in coverage for oral and intravenous cancer treatments.
- As medical research and technology continues to advance, we are able to find effective cancer treatments that give patients the flexibility and freedom to lead their lives. This is the kind of innovation in patient care we need to support.

Chairman Jeffrey Sánchez
Brief Remarks for Public Health Committee Bills
On House Calendar

- By requiring insurers to cover oral therapies in the same manner as intravenous therapies, we'd be doing just that.
- Oral cancer therapies have increased in recent years, and will continue to do so. According to the National Comprehensive Cancer Network, a quarter of the over 400 cancer therapies currently in development are to be taken orally.
- Just as patient care and treatment must keep up with improvements in technology, so must the insurance industry.
- This bill empowers patients to get the care they need, where it's most comfortable for them—in their own homes. I respectfully request my colleagues to join me favorably in voting for this bill.

SENATE DOCKET, NO. 00302 FILED ON: 01/19/2011

SENATE

. No. 0107002363

The Commonwealth of Massachusetts

=====
PRESENTED BY:
Stephen Brewer
=====

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

----- The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to oral cancer therapy.

=====
PETITION OF:

_____ SENATE, July 19, 2012

The committee on Ways and Means

For the committee,

STEPHEN M. BREWER.

SENATE No. 02363

NAME:	DISTRICT/ADDRESS:
<i>Stephen Brewer</i>	<i>Worcester, Hampden, Hampshire, Franklin</i>
<i>Anne M. Gobi</i>	<i>5th Worcester</i>
<i>Michael F. Kane</i>	<i>5th Hampden</i>

SENATE No. 01070

By Mr. Brewer, petition (accompanied by bill, Senate, No. 1070) of Gobi, Kane and Brewer for legislation relative to oral cancer therapy [Joint Committee on Public Health].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2271 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand ~~Eleven~~Twelve

An Act relative to oral cancer therapy.

1 ~~Be it enacted by the Senate and House~~ SECTION 1. Chapter 32A of ~~Representatives in the~~
2 General Court assembled, and Laws is hereby amended by inserting after section 17I the following
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Section 17J. Any coverage offered by the ~~authority;~~ commission to an active or retired employee of the same, as follows:

4 ~~SECTION 1. Notwithstanding the provisions of any general law, rule, or regulation~~
5 ~~to commonwealth insured under the contrary, a health benefit plan group insurance commission~~
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7 prescribed, orally administered anticancer ~~medication~~ medications used to kill or slow the growth
8 of cancerous cells on a basis no less favorable than intravenously administered or injected cancer

9 medications that are covered as medical benefits. An increase in patient cost sharing for
10 anticancer medications ~~is~~shall not be allowed to achieve compliance with this ~~provision~~section.

11 SECTION 2. Chapter 175 of the General Laws is hereby amended by inserting after
12 section 47AA the following section:-

13 Section 47BB. Any policy, contract, agreement, plan or certificate of insurance issued,
14 delivered or renewed within the commonwealth that provides coverage for cancer chemotherapy
15 treatment shall provide coverage for prescribed, orally administered anticancer medications used
16 to kill or slow the growth of cancerous cells on a basis no less favorable than intravenously
17 administered or injected cancer medications that are covered as medical benefits. An increase in
18 patient cost sharing for anticancer medications shall not be allowed to achieve compliance with
19 this section.

20 SECTION 3. Chapter 176A of the General Laws is hereby amended by inserting after
21 section 8DD the following section:-

22 Section 8EE. Any contract between a subscriber and the corporation under an individual
23 or group hospital service plan which is delivered, issued or renewed within the commonwealth
24 that provides coverage for cancer chemotherapy treatment shall provide coverage for prescribed,
25 orally administered anticancer medications used to kill or slow the growth of cancerous cells on
26 a basis no less favorable than intravenously administered or injected cancer medications that are
27 covered as medical benefits. An increase in patient cost sharing for anticancer medications shall
28 not be allowed to achieve compliance with this section.

29 SECTION 4. Chapter 176B of the General Laws is hereby amended by inserting after
30 section 4DD the following section:-

31 Section 4EE. Any subscription certificate under an individual or group medical service
32 agreement delivered, issued or renewed within the commonwealth that provides coverage for
33 cancer chemotherapy treatment shall provide coverage for prescribed, orally administered
34 anticancer medications used to kill or slow the growth of cancerous cells on a basis no less
35 favorable than intravenously administered or injected cancer medications that are covered as
36 medical benefits. An increase in patient cost sharing for anticancer medications shall not be
37 allowed to achieve compliance with this section.

38 SECTION 5. Chapter 176G of the General Laws is hereby amended by inserting after
39 section 4V the following section:-

40 Section 4W. Any individual or group health maintenance contract that provides coverage
41 for cancer chemotherapy treatment shall provide coverage for prescribed, orally administered
42 anticancer medications used to kill or slow the growth of cancerous cells on a basis no less
43 favorable than intravenously administered or injected cancer medications that are covered as
44 medical benefits. An increase in patient cost sharing for anticancer medications shall not be
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46 SECTION 6. Sections 1 to 5, inclusive, shall apply to all policies, contracts and
47 certificates of health insurance subject to section 17J of chapter 32A, section 47BB of chapter
48 175, section 8EE of chapter 176A, section 4EE of chapter 176B and section 4W of chapter 176G
49 of the General Laws which are delivered, issued or renewed on or after January 1, 2013.