

HOUSE BILL 243

C3

2lr2274
CF SB 179

By: Delegates Nathan Pulliam, Braveboy, Burns, Conway, Donoghue, Eckardt, Frush, Howard, Hubbard, Jones, A. Kelly, Kipke, Morhaim, Murphy, Pena-Melnyk, Tarrant, and ~~V. Turner~~ V. Turner, Cullison, Krebs, Bromwell, Ready, Reznik, Elliott, Hammen, Pendergrass, Kach, McDonough, and Frank

Introduced and read first time: January 26, 2012

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 14, 2012

CHAPTER _____

1 AN ACT concerning

2 **Kathleen A. Mathias Chemotherapy Parity Act of 2012**

3 FOR the purpose of prohibiting insurers, nonprofit health service plans, and health
4 maintenance organizations that provide coverage for certain cancer
5 chemotherapy under certain policies or contracts from imposing certain limits
6 or cost sharing on coverage for orally administered cancer chemotherapy that
7 are less favorable to an insured or enrollee than the limits or cost sharing on
8 coverage for cancer chemotherapy that is administered intravenously or by
9 injection; prohibiting the insurers, nonprofit health service plans, and health
10 maintenance organizations from reclassifying cancer chemotherapy or
11 increasing certain out-of-pocket expenses to achieve certain compliance;
12 ~~prohibiting the insurers, nonprofit health service plans, and health~~
13 ~~maintenance organizations from increasing an out-of-pocket expense applied to~~
14 ~~cancer chemotherapy under a health insurance policy or contract or a health~~
15 ~~maintenance organization contract unless the increase also is applied to certain~~
16 ~~benefits under the policy or contract;~~ making certain provisions of this Act
17 applicable to health maintenance organizations; defining a certain term;
18 providing for the application of this Act; and generally relating to health
19 insurance coverage for cancer chemotherapy.

20 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Insurance
 2 Section 15–846
 3 Annotated Code of Maryland
 4 (2011 Replacement Volume)

5 BY adding to
 6 Article – Health – General
 7 Section 19–706(III)
 8 Annotated Code of Maryland
 9 (2009 Replacement Volume and 2011 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article – Insurance**

13 **15–846.**

14 (A) IN THIS SECTION, “CANCER CHEMOTHERAPY” MEANS MEDICATION
 15 THAT IS PRESCRIBED BY A LICENSED PHYSICIAN TO KILL OR SLOW THE GROWTH
 16 OF CANCER CELLS.

17 (B) THIS SECTION APPLIES TO:

18 (1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT
 19 PROVIDE COVERAGE FOR BOTH ORALLY ADMINISTERED CANCER
 20 CHEMOTHERAPY AND CANCER CHEMOTHERAPY THAT IS ADMINISTERED
 21 INTRAVENOUSLY OR BY INJECTION UNDER HEALTH INSURANCE POLICIES OR
 22 CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

23 (2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE
 24 COVERAGE FOR BOTH ORALLY ADMINISTERED CANCER CHEMOTHERAPY AND
 25 CANCER CHEMOTHERAPY THAT IS ADMINISTERED INTRAVENOUSLY OR BY
 26 INJECTION UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

27 (C) THIS SECTION DOES NOT APPLY TO A POLICY OR CONTRACT ISSUED
 28 OR DELIVERED BY AN ENTITY SUBJECT TO THIS SECTION THAT PROVIDES THE
 29 ESSENTIAL HEALTH BENEFITS REQUIRED UNDER § 1302(A) OF THE
 30 AFFORDABLE CARE ACT.

31 ~~(C)~~ (D) AN ENTITY SUBJECT TO THIS SECTION MAY NOT IMPOSE
 32 DOLLAR LIMITS, COPAYMENTS, DEDUCTIBLES, OR COINSURANCE
 33 REQUIREMENTS ON COVERAGE FOR ORALLY ADMINISTERED CANCER
 34 CHEMOTHERAPY THAT ARE LESS FAVORABLE TO AN INSURED OR ENROLLEE
 35 THAN THE DOLLAR LIMITS, COPAYMENTS, DEDUCTIBLES, OR COINSURANCE

1 REQUIREMENTS THAT APPLY TO COVERAGE FOR CANCER CHEMOTHERAPY
2 THAT IS ADMINISTERED INTRAVENOUSLY OR BY INJECTION.

3 ~~(D)~~ (E) ~~(1)~~ AN ENTITY SUBJECT TO THIS SECTION MAY NOT
4 RECLASSIFY CANCER CHEMOTHERAPY OR INCREASE A COPAYMENT,
5 DEDUCTIBLE, COINSURANCE REQUIREMENT, OR OTHER OUT-OF-POCKET
6 EXPENSE IMPOSED ON CANCER CHEMOTHERAPY TO ACHIEVE COMPLIANCE
7 WITH THIS SECTION.

8 ~~(2) AN ENTITY SUBJECT TO THIS SECTION MAY NOT INCREASE AN~~
9 ~~OUT-OF-POCKET EXPENSE APPLIED TO CANCER CHEMOTHERAPY UNDER A~~
10 ~~HEALTH INSURANCE POLICY OR CONTRACT OR A HEALTH MAINTENANCE~~
11 ~~ORGANIZATION CONTRACT UNLESS THE ENTITY ALSO APPLIES THE INCREASE~~
12 ~~TO THE MAJORITY OF COMPARABLE MEDICAL OR PHARMACEUTICAL BENEFITS~~
13 ~~UNDER THE POLICY OR CONTRACT.~~

14 Article – Health – General

15 19–706.

16 (LLLL) THE PROVISIONS OF § 15–846 OF THE INSURANCE ARTICLE
17 APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
19 policies, contracts, and health benefit plans subject to this Act that are issued,
20 delivered, or renewed in the State on or after October 1, 2012.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.