

# Chapter 67

(Senate Bill 641)

AN ACT concerning

## Kathleen A. Mathias Oral Chemotherapy Improvement Act of 2014

FOR the purpose of altering the scope of certain provisions of law relating to coverage of cancer chemotherapy to include certain policies or contracts issued or delivered by certain entities that provide essential health benefits required under certain provisions of federal law; providing for the application of this Act; making this Act an emergency measure; providing for the construction of this Act; and generally relating to health insurance coverage for cancer chemotherapy.

BY repealing and reenacting, with amendments,

Article – Insurance

Section 15–846

Annotated Code of Maryland

(2011 Replacement Volume and 2013 Supplement)

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

### Article – Insurance

15–846.

(a) In this section, “cancer chemotherapy” means medication that is prescribed by a licensed physician to kill or slow the growth of cancer cells.

(b) This section applies to:

(1) insurers and nonprofit health service plans that provide coverage for both orally administered cancer chemotherapy and cancer chemotherapy that is administered intravenously or by injection under health insurance policies or contracts that are issued or delivered in the State; and

(2) health maintenance organizations that provide coverage for both orally administered cancer chemotherapy and cancer chemotherapy that is administered intravenously or by injection under contracts that are issued or delivered in the State.

[(c) This section does not apply to a policy or contract issued or delivered by an entity subject to this section that provides the essential health benefits required under § 1302(a) of the Affordable Care Act.]

**[(d)](C)** An entity subject to this section may not impose dollar limits, copayments, deductibles, or coinsurance requirements on coverage for orally administered cancer chemotherapy that are less favorable to an insured or enrollee than the dollar limits, copayments, deductibles, or coinsurance requirements that apply to coverage for cancer chemotherapy that is administered intravenously or by injection.

**[(e)](D)** An entity subject to this section may not reclassify cancer chemotherapy or increase a copayment, deductible, coinsurance requirement, or other out-of-pocket expense imposed on cancer chemotherapy to achieve compliance with this section.

**~~(E) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT AN ENTITY SUBJECT TO THIS SECTION FROM IMPOSING APPROPRIATE UTILIZATION CONTROLS IN APPROVING COVERAGE FOR CHEMOTHERAPY OR FROM USING TIERED FORMULARY DESIGNS.~~**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans that are issued, delivered, or renewed in the State on or after January 1, ~~2015~~ 2016 ~~2015~~.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act ~~shall take effect October 1, 2014 is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.~~

Approved by the Governor, April 8, 2014.