

SENATE BILL 641

C3

EMERGENCY BILL
ENROLLED BILL

(4lr2158)

— Finance/Health and Government Operations —

Introduced by Senators Mathias, Pugh, ~~and Raskin~~ Raskin, Astle, Brinkley, Feldman, Glassman, Kelley, Kittleman, Klausmeier, Middleton, and Ramirez

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Kathleen A. Mathias Oral Chemotherapy Improvement Act of 2014**

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

10 BY repealing and reenacting, with amendments,

11 Article – Insurance

12 Section 15–846

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.

Italics indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland
2 (2011 Replacement Volume and 2013 Supplement)

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

5 **Article – Insurance**

6 15–846.

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

9 (b) This section applies to:

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.