

TREATMENT MEDICATION REVISIONS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel Hemmert

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to health insurance coverage for certain cancer treatments.

Highlighted Provisions:

This bill:

- defines terms; and
- prohibits a health benefit plan from requiring step therapy for certain drugs used to treat cancer or associated conditions.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

31A-22-641, as enacted by Laws of Utah 2013, Chapter 164

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **31A-22-641** is amended to read:

31A-22-641. Cancer treatment parity -- prohibition on step therapy for certain cancer treatments.



(1) For purposes of this section:

(a) "Cost sharing" means the enrollee's maximum out-of-pocket costs as defined by the health benefit plan.

(b) "Health insurer" ~~[is as]~~ means insurer as defined in Subsection [31A-22-634](#)(1).

(c) "Intravenously administered chemotherapy" means a physician-prescribed cancer treatment that is used to kill or slow the growth of cancer cells, that is administered through injection directly into the patient's circulatory system by a physician, physician assistant, nurse practitioner, nurse, or other medical personnel under the supervision of a physician, and in a hospital, medical office, or other clinical setting.

(d) "Oral chemotherapy" means a United States Food and Drug Administration-approved, physician-prescribed cancer treatment that is used to kill or slow the growth of cancer cells, that is taken orally in the form of a tablet or capsule, and may be administered in a hospital, medical office, or other clinical setting or may be delivered to the patient for self-administration under the direction or supervision of a physician outside of a hospital, medical office, or other clinical setting.

(e) "Relapsed or refractory hematologic cancer" means a cancer that is unlikely to be cured or controlled with treatment.

(f) "Stage IV metastatic cancer" means cancer that has spread from the primary or original site to other organs, distant sites, tissues, or other parts of the body.

(2) (a) This section applies to health benefit plans renewed or entered into on or after October 1, 2013.

~~[(3)]~~ (b) A health benefit plan that covers prescribed oral chemotherapy and intravenously administered chemotherapy shall:

~~[(a)]~~ (i) except as provided in Subsection ~~[(3)(b)]~~ (2)(b)(ii), ensure that the cost sharing applied to the covered oral chemotherapy is no more restrictive than the cost sharing applied to the covered intravenously administered chemotherapy; or

~~[(b)]~~ (ii) if the cost sharing for oral chemotherapy is more restrictive than the cost sharing for intravenous chemotherapy, the health benefit plan may not apply cost sharing for the oral chemotherapy that exceeds \$300 per filled prescription.

(3) (a) This Subsection (3) applies to a health benefit plan entered into or renewed on or after January 1, 2021.

59 **(b) A health insurer or a pharmacy benefit manager may not require a step therapy**
60 **protocol for coverage or a prescription drug or a sequence of prescription drugs if:**

61 **(i) the recommended prescription drug or sequence of prescription drugs is prescribed**
62 **to treat the enrollee's:**

63 **(A) stage IV metastatic cancer;**

64 **(B) relapsed or refractory hematologic cancer; or**

65 **(C) severe side effects of the cancers described in Subsection (3)(b)(ii)(A) or (B),**
66 **including anemia, neutropenia, bone complications, nausea, vomiting, oral mucositis, diarrhea,**
67 **skin toxicity, peripheral neurotoxicity, and pain; and**

68 **(ii) the use of the prescription drug or series of prescription drugs is:**

69 **(A) indicated by the United States Food and Drug Administration for treatment of the**
70 **enrollee's condition under Subsection (3)(b)(i); or**

71 **(B) supported by peer-reviewed medical literature.**

72 **(c) This Subsection (3) does not require coverage of a prescription drug that is not on**
73 **the insurer's prescription drug formulary.**

74 **(4) (a) A health insurer [~~shall~~] may not increase the cost sharing for intravenously**
75 **administered chemotherapy for the purpose of achieving compliance with this section.**

76 **(b) The commissioner may adopt administrative rules in accordance with Title 63G,**
77 **Chapter 3, Utah Administrative Rulemaking Act, to enforce the provisions of this section.**