
A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 431:10A-126, Hawaii Revised Statutes,
2 is amended to read as follows:
3 " ~~[+]§431:10A-126[+]~~ **Chemotherapy services.** (a)
4 Notwithstanding section 23-51, all individual and group accident
5 and health or sickness insurance policies that include coverage
6 or benefits for the treatment of cancer shall provide payment or
7 reimbursement for all chemotherapy that is considered medically
8 necessary as defined in section 432E-1.4, including ~~[orally~~
9 ~~administered]~~ nongeneric oral chemotherapy, ~~[at the same~~
10 ~~copayment percentage or relative coinsurance amount as is~~
11 ~~applied to intravenously administered chemotherapy;]~~ with a
12 percentage cost share that is equal to the percentage cost share
13 for nongeneric orally administered cancer medications or the
14 percentage cost share for nongeneric intravenous or injected
15 cancer medications, whichever is lower; provided that this
16 section shall not apply to an accident only, specified disease,
17 hospital indemnity, long-term care, or other limited benefit
18 health insurance policy. Individual and group accident and



1 health or sickness insurance policies shall not increase
2 enrollee cost sharing for nongeneric cancer medications to any
3 greater extent than the policy increases enrollee cost sharing
4 for other nongeneric covered medication.

5 (b) For the purposes of this section:

6 "Cost share" or "cost sharing" means copayment,
7 coinsurance, or deductible provisions applicable to coverage for
8 oral, intravenous, or injected nongeneric cancer medications.

9 [~~"Intravenously administered chemotherapy"~~] "Intravenous or
10 injected cancer medication" means a physician-prescribed cancer
11 treatment that is administered through injection directly into
12 the patient's circulatory system by a physician, physician
13 assistant, nurse practitioner, nurse, or other medical personnel
14 under the supervision of a physician and in a hospital, medical
15 office, or other clinical setting.

16 "Oral chemotherapy" means a United States Food and Drug
17 Administration-approved, physician-prescribed cancer treatment
18 that is taken orally in the form of a tablet or capsule and may
19 be administered in a hospital, medical office, or other clinical
20 setting or may be delivered to the patient for self-
21 administration under the direction or supervision of a physician



1 outside of a hospital, medical office, or other clinical
2 setting."

3 SECTION 2. Section 432:1-616, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~[[§432:1-616]]~~ **Chemotherapy services.** (a) All
6 individual and group hospital and medical service plan contracts
7 that include coverage or benefits for the treatment of cancer
8 shall provide payment or reimbursement for all chemotherapy that
9 is considered medically necessary as defined in section 432E-
10 1.4, including ~~[orally administered]~~ nongeneric oral
11 chemotherapy, [at the same copayment percentage or relative
12 coinsurance amount as is applied to intravenously administered
13 chemotherapy,] with a percentage cost share that is equal to the
14 percentage cost share for nongeneric orally administered cancer
15 medications or the percentage cost share for nongeneric
16 intravenous or injected cancer medications, whichever is lower;
17 provided that this section shall not apply to an accident only,
18 specified disease, hospital indemnity, long-term care, or other
19 limited benefit health insurance policy. Individual and group
20 hospital and medical service plan contracts shall not increase
21 enrollee cost sharing for nongeneric cancer medications to any



1 greater extent than the contract increases enrollee cost sharing
2 for other nongeneric covered medication.

3 (b) For the purposes of this section:

4 "Cost share" or "cost sharing" means copayment,
5 coinsurance, or deductible provisions applicable to coverage for
6 oral, intravenous, or injected nongeneric cancer medications.

7 [~~"Intravenously administered chemotherapy"~~] "Intravenous or
8 injected cancer medication" means a physician-prescribed cancer
9 treatment that is administered through injection directly into
10 the patient's circulatory system by a physician, physician
11 assistant, nurse practitioner, nurse, or other medical personnel
12 under the supervision of a physician and in a hospital, medical
13 office, or other clinical setting.

14 "Oral chemotherapy" means a United States Food and Drug
15 Administration-approved, physician-prescribed cancer treatment
16 that is taken orally in the form of a tablet or capsule and may
17 be administered in a hospital, medical office, or other clinical
18 setting or may be delivered to the patient for self-
19 administration under the direction or supervision of a physician
20 outside of a hospital, medical office, or other clinical
21 setting."



H.B. NO. 1964

1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.
4

INTRODUCED BY:



JAN 17 2012



H.B. NO. 1964

Report Title:

Insurance; Chemotherapy

Description:

Limits out-of-pocket costs for cancer medications, including nongeneric oral chemotherapy, under health insurance plans.

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