

By: Thompson

H.B. No. 1759

A BILL TO BE ENTITLED

AN ACT

relating to health benefit plan coverage for certain orally administered anticancer medications.

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

SECTION 1. Chapter 1369, Insurance Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. COVERAGE FOR CERTAIN ORALLY ADMINISTERED ANTICANCER MEDICATIONS

Sec. 1369.201. DEFINITION. In this subchapter, "enrollee" means an individual entitled to coverage under a health benefit plan.

Sec. 1369.202. APPLICABILITY OF SUBCHAPTER. (a) This subchapter applies only to a health benefit plan, including a small employer health benefit plan written under Chapter 1501 or coverage provided by a health group cooperative under Subchapter B of that chapter, that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage or similar coverage document that is offered by:

(1) an insurance company;

(2) a group hospital service corporation operating under Chapter 842;

1 (3) a fraternal benefit society operating under
2 Chapter 885;

3 (4) a stipulated premium company operating under
4 Chapter 884;

5 (5) an exchange operating under Chapter 942;

6 (6) a Lloyd's plan operating under Chapter 941;

7 (7) a health maintenance organization operating under
8 Chapter 843;

9 (8) a multiple employer welfare arrangement that holds
10 a certificate of authority under Chapter 846; or

11 (9) an approved nonprofit health corporation that
12 holds a certificate of authority under Chapter 844.

13 (b) Notwithstanding Section 172.014, Local Government Code,
14 or any other law, this subchapter applies to health and accident
15 coverage provided by a risk pool created under Chapter 172, Local
16 Government Code.

17 (c) Notwithstanding any provision in Chapter 1551, 1575,
18 1579, or 1601 or any other law, this subchapter applies to:

19 (1) a basic coverage plan under Chapter 1551;

20 (2) a basic plan under Chapter 1575;

21 (3) a primary care coverage plan under Chapter 1579;

22 and

23 (4) basic coverage under Chapter 1601.

24 (d) Notwithstanding any other law, a standard health
25 benefit plan provided under Chapter 1507 must provide the coverage
26 required by this subchapter.

27 Sec. 1369.203. EXCEPTION. This subchapter does not apply

1 to:

2 (1) a plan that provides coverage:

3 (A) only for benefits for a specified disease or
4 for another limited benefit, other than a plan that provides
5 benefits for cancer treatment or similar services;

6 (B) only for accidental death or dismemberment;

7 (C) for wages or payments in lieu of wages for a
8 period during which an employee is absent from work because of
9 sickness or injury;

10 (D) as a supplement to a liability insurance
11 policy;

12 (E) only for dental or vision care; or

13 (F) only for indemnity for hospital confinement;

14 (2) a Medicare supplemental policy as defined by
15 Section 1882(g)(1), Social Security Act (42 U.S.C. Section 1395ss);

16 (3) a workers' compensation insurance policy;

17 (4) medical payment insurance coverage provided under
18 an automobile insurance policy;

19 (5) a credit insurance policy;

20 (6) a limited benefit policy that does not provide
21 coverage for physical examinations or wellness exams; or

22 (7) a long-term care insurance policy, including a
23 nursing home fixed indemnity policy, unless the commissioner
24 determines that the policy provides benefit coverage so
25 comprehensive that the policy is a health benefit plan as described
26 by Section 1369.202.

27 Sec. 1369.204. REQUIRED COVERAGE FOR CERTAIN ORALLY

1 ADMINISTERED ANTICANCER MEDICATIONS. A health benefit plan that
2 provides coverage for chemotherapy treatment of cancer must provide
3 coverage for a prescribed, orally administered anticancer
4 medication that is used to kill or slow the growth of cancerous
5 cells on a basis no less favorable than intravenously administered
6 or injected cancer medications that are covered as medical benefits
7 by the plan.

8 SECTION 2. Subchapter E, Chapter 1369, Insurance Code, as
9 added by this Act, applies only to a health benefit plan that is
10 delivered, issued for delivery, or renewed on or after January 1,
11 2010. A health benefit plan that is delivered, issued for delivery,
12 or renewed before January 1, 2010, is covered by the law in effect
13 at the time the plan was delivered, issued for delivery, or renewed,
14 and that law is continued in effect for that purpose.

15 SECTION 3. This Act takes effect September 1, 2009.