

## **BILL ANALYSIS**

C.S.H.B. 1588  
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Insurance  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In 2015, the FDA approved the use of scalp cooling devices for female breast cancer patients undergoing chemotherapy. This technology helps reduce hair loss induced by chemotherapy. According to the American Cancer Society, approximately half of women who use a scalp cooling device while undergoing chemotherapy for early-stage breast cancer lose less than half of their hair. C.S.H.B. 1588 seeks to require health benefit plans to provide coverage for a scalp cooling system, application, or procedure for an enrollee who is undergoing or has undergone medical treatment for cancer if the treating physician has deemed it an appropriate treatment.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1588 amends the Insurance Code to require a health benefit plan to provide coverage for an FDA-approved scalp cooling system, application, or procedure for an enrollee who is undergoing or has undergone medical treatment for cancer to help reduce hair loss related to chemotherapy treatment if it is determined by the enrollee's treating physician to be appropriate for the enrollee. The coverage must be provided in a manner determined to be appropriate in consultation with the enrollee and their treating physician. The bill prohibits the coverage from being subject to an additional premium or annual dollar limits, but it can be subject to annual deductibles, copayments, and coinsurance consistent with annual deductibles, copayments, and coinsurance required for other coverage under the plan. A plan may require prior authorization for scalp cooling in the same manner that the plan requires prior authorization for any other health benefit.

C.S.H.B. 1588 establishes the applicability of its provisions and applies only to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2022. The bill's provisions do not apply to a qualified health plan if a determination is made that the provisions require the plan to offer benefits in addition to the federally mandated essential health benefits and the state is required to defray the cost of the additional benefits. If such a determination is made, the bill's provisions also do not apply to a non-qualified health plan offered in the same market.

### **EFFECTIVE DATE**

September 1, 2021.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1588 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision not in the original providing that, if a determination triggering an exception to the bill's provisions for a qualified health plan is made, the provisions also do not apply to a non-qualified health plan offered in the same market.