SENATE, No. 1834

STATE OF NEW JERSEY
214th LEGISLATURE

INTRODUCED MARCH 22, 2010

Sponsored by:
Senator LORETTA WEINBERG
District 37 (Bergen)
Senator NIA H. GILL
District 34 (Essex and Passaic)

Co-Sponsored by:
Senators Buono and Cardinale

SYNOPSIS
Requires health insurers to cover oral cancer drugs and related support drugs on same basis as intravenous cancer medications and related support drugs.

CURRENT VERSION OF TEXT
As introduced.

(Sponsorship Updated As Of: 5/20/2011)
AN ACT concerning health benefits coverage for oral cancer medications and revising various parts of statutory law.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. A hospital service corporation contract that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to P.L.1938, c.366 (C.17:48-1 et seq.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells under the same terms and conditions as the contract provides for intravenously administered or injected cancer medications. The contract shall also provide coverage for expenses for medically necessary medications, such as medications that maintain red or white cell counts and treat nausea, that support the orally administered anticancer medications, under the same terms and conditions as the contract provides for intravenously administered or injected cancer medications. This section shall apply to those hospital service corporation contracts in which the hospital service corporation has reserved the right to change the premium.

2. A medical service corporation contract that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to P.L.1940, c.74 (C.17:48A-1 et seq.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells under the same terms and conditions as the contract provides for intravenously administered or injected cancer medications. The contract shall also provide coverage for expenses for medically necessary medications, such as medications that maintain red or white cell counts and treat nausea, that support the orally administered anticancer medications, under the same terms and conditions as the contract provides for intravenously administered or injected cancer medications. This section shall apply to those medical service corporation contracts in which the medical service corporation has reserved the right to change the premium.

3. A health service corporation contract that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to P.L.1985, c.236 (C.17:48E-1 et seq.), or approved for issuance or renewal in this State by the
Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells under the same terms and conditions as the contract provides for intravenously administered or injected cancer medications. The contract shall also provide coverage for expenses for medically necessary medications, such as medications that maintain red or white cell counts and treat nausea, that support the orally administered anticancer medications, under the same terms and conditions as the contract provides for intravenously administered or injected cancer medications.

This section shall apply to those health service corporation contracts in which the health service corporation has reserved the right to change the premium.

4. An individual health insurance policy that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to N.J.S.17B:26-1 et seq., or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells under the same terms and conditions as the policy provides for intravenously administered or injected cancer medications. The policy shall also provide coverage for expenses for medically necessary medications, such as medications that maintain red or white cell counts and treat nausea, that support the orally administered anticancer medications, under the same terms and conditions as the policy provides for intravenously administered or injected cancer medications.

This section shall apply to those policies in which the insurer has reserved the right to change the premium.

5. A group health insurance policy that provides hospital and medical expense benefits and is delivered, issued, executed, or renewed in this State pursuant to N.J.S.17B:27-26 et seq., or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells under the same terms and conditions as the policy provides for intravenously administered or injected cancer medications. The policy shall also provide coverage for expenses for medically necessary medications, such as medications that maintain red or white cell counts and treat nausea, that support the orally administered anticancer medications, under the same terms and conditions as the policy provides for intravenously administered or injected cancer medications.
This section shall apply to those policies in which the insurer has reserved the right to change the premium.

6. An individual health benefits plan that is delivered, issued, executed, or renewed in this State pursuant to P.L.1992, c.161 (C.17B:27A-2 et seq.), on or after the effective date of this act, shall provide coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells under the same terms and conditions as the plan provides for intravenously administered or injected cancer medications. The health benefits plan shall also provide coverage for expenses for medically necessary medications, such as medications that maintain red or white cell counts and treat nausea, that support the orally administered anticancer medications, under the same terms and conditions as the plan provides for intravenously administered or injected cancer medications.

This section shall apply to those health benefits plans in which the carrier has reserved the right to change the premium.

7. A small employer health benefits plan that is delivered, issued, executed, or renewed in this State pursuant to P.L.1992, c.162 (C.17B:27A-17 et seq.), on or after the effective date of this act, shall provide coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells under the same terms and conditions as the plan provides for intravenously administered or injected cancer medications. The health benefits plan shall also provide coverage for expenses for medically necessary medications, such as medications that maintain red or white cell counts and treat nausea, that support the orally administered anticancer medications, under the same terms and conditions as the plan provides for intravenously administered or injected cancer medications.

This section shall apply to those health benefits plans in which the carrier has reserved the right to change the premium.

8. A health maintenance organization contract for health care services that is delivered, issued, executed, or renewed in this State pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.), or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance, on or after the effective date of this act, shall provide health care services for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells under the same terms and conditions as the contract provides for covered intravenously administered or injected cancer medications. The contract shall also provide coverage for expenses for medically necessary medications, such as medications that maintain red or white cell counts and treat nausea, that support the orally administered anticancer medications, under the same terms and
conditions as the contract provides for intravenously administered or injected cancer medications.

This section shall apply to those contracts for health care services under which the right to change the schedule of charges for enrollee coverage is reserved.

9. The State Health Benefits Commission shall ensure that every contract purchased on or after the effective date of this act that provides hospital or medical expense benefits shall provide coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells under the same terms and conditions as the contract provides for intravenously administered or injected cancer medications. The contract shall also provide coverage for expenses for medically necessary medications, such as medications that maintain red or white cell counts and treat nausea, that support the orally administered anticancer medications, under the same terms and conditions as the contract provides for intravenously administered or injected cancer medications.

10. The School Employees’ Health Benefits Commission shall ensure that every contract purchased on or after the effective date of this act that provides hospital or medical expense benefits shall provide coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells under the same terms and conditions as the contract provides for intravenously administered or injected cancer medications. The contract shall also provide coverage for expenses for medically necessary medications, such as medications that maintain red or white cell counts and treat nausea, that support the orally administered anticancer medications, under the same terms and conditions as the contract provides for intravenously administered or injected cancer medications.

11. This act shall take effect on the 180th day after enactment and shall apply to all contracts and policies issued on or after the effective date.

STATEMENT

This bill requires health insurance carriers (hospital, medical and health service corporations, individual, small employer, and larger group commercial insurers, and health maintenance organizations), the State Health Benefits Program (SHBP), and the School Employees’ Health Benefits Program (SEHBP) to provide coverage for expenses for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells under
the same terms and conditions as the policy or contract provides for intravenously administered or injected cancer medications. The bill also requires carriers, SHBP and SEHBP to provide coverage for expenses for medically necessary medications, such as medications that maintain red or white cell counts and treat nausea, that support the orally administered anticancer medications, under the same terms and conditions as the policy or contract provides for intravenously administered or injected cancer medications.