
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 427 Session of
2019

INTRODUCED BY BENNINGHOFF, BARRAR, BERNSTINE, CALTAGIRONE,
CAUSER, CIRESI, T. DAVIS, DONATUCCI, FREEMAN, HERSHEY,
LONGIETTI, McCLINTON, McNEILL, MILLARD, MURT, OBERLANDER,
PICKETT, READSHAW, ROTHMAN, RYAN, SAYLOR, WARREN, WHEELAND,
ZIMMERMAN AND DeLUCA, FEBRUARY 11, 2019

REFERRED TO COMMITTEE ON HEALTH, FEBRUARY 11, 2019

AN ACT

1 Providing for health insurance coverage requirements for stage
2 four, advanced metastatic cancer.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Fair Access
7 to Cancer Treatment Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Enrollee." Any policyholder, subscriber, covered person or
13 other individual who is entitled to receive health care services
14 under a health insurance plan.

15 "Health insurance carrier." An entity that offers or issues
16 a health insurance plan and is subject to any of the following:

1 (1) The act of May 17, 1921 (P.L.682, No.284), known as
2 The Insurance Company Law of 1921.

3 (2) The act of December 29, 1972 (P.L.1701, No.364),
4 known as the Health Maintenance Organization Act.

5 (3) 40 Pa.C.S. Ch. 61 (relating to hospital plan
6 corporations) or 63 (relating to professional health services
7 plan corporations).

8 "Health insurance plan." A policy, contract, certificate or
9 agreement offered or issued by a health insurance carrier to
10 provide for the costs of health care services. The term does not
11 include the following types of policies:

12 (1) Accident only.

13 (2) Limited benefit.

14 (3) Credit.

15 (4) Vision.

16 (5) Dental.

17 (6) Specified disease.

18 (7) Civilian Health and Medical Program of the Uniformed
19 Services (CHAMPUS) supplement.

20 (8) Long-term care or disability income.

21 (9) Workers' compensation.

22 (10) Automobile medical payment.

23 (11) Fixed indemnity.

24 "Stage four, advanced metastatic cancer." Cancer that has
25 spread from the primary or original site of the cancer to nearby
26 tissues, lymph nodes or other areas or parts of the body.

27 Section 3. Utilization management for stage four, advanced
28 metastatic cancer drugs.

29 A health insurance carrier or health insurance plan that,
30 directly or indirectly, covers the treatment of stage four,

1 advanced metastatic cancer shall not require an enrollee to
2 first fail to successfully respond to a different drug, or prove
3 a history of failure in use of a different drug, before
4 providing coverage for a drug to which the following apply:

5 (1) The drug is approved by the United States Food and
6 Drug Administration.

7 (2) The use of the drug is consistent with the best
8 practices for the treatment of stage four, advanced
9 metastatic cancer.

10 Section 4. Applicability.

11 This act shall apply to insurance plans issued, delivered or
12 renewed on or after the effective date of this section.

13 Section 5. Effective date.

14 This act shall take effect in 60 days.