

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

H

D

HOUSE BILL 609  
PROPOSED COMMITTEE SUBSTITUTE H609-PCS70348-TK-16

Short Title: NC Cancer Treatment Fairness Act.

(Public)

Sponsors:

Referred to:

April 9, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT RELATING TO HEALTH BENEFIT PLAN COVERAGE FOR ORALLY  
3 ADMINISTERED ANTICANCER DRUGS.

4 Whereas, advances in medical research have led to significant new developments of  
5 various medical treatments; and

6 Whereas, these treatments offer patients a wide range of new choices to combat very  
7 serious diseases; and

8 Whereas, the area of cancer treatment has been one of the fields that has seen these  
9 significant new medical advancements; and

10 Whereas, in recent years, oral chemotherapy treatments have been developed that  
11 provide viable alternatives to traditional intravenous cancer treatments for patients; and

12 Whereas, this oral chemotherapy treatment offers the treating physician and the  
13 patient a choice in relation to treatment options; and

14 Whereas, this choice is sometimes limited as the oral chemotherapy treatments are,  
15 in most cases, covered under the prescription drug benefit of an insurance plan rather than  
16 under the major medical insurance benefit of an insurance plan; and

17 Whereas, this discrepancy in coverage can limit a patient's ability to choose the oral  
18 chemotherapy treatment because of the cost associated with the disparate treatment; Now,  
19 therefore,

20 The General Assembly of North Carolina enacts:

21 **SECTION 1.** Article 51 of Chapter 58 of the General Statutes is amended by  
22 adding a new section to read as follows:

23 **"§ 58-51-59.1. Coverage for orally administered anticancer drugs.**

24 (a) Every policy or contract of accident or health insurance, and every preferred  
25 provider benefit plan under G.S. 58-50-56, that provides coverage for prescribed, orally  
26 administered anticancer drugs that are used to kill or slow the growth of cancerous cells and  
27 that provides coverage for intravenously administered or injected anticancer drugs shall provide  
28 coverage for prescribed, orally administered anticancer drugs on a basis no less favorable than  
29 the coverage the policy, contract, or plan provides for the intravenously administered or  
30 injected anticancer drugs.

31 (b) Coverage for orally administered anticancer drugs shall not be subject to any prior  
32 authorization, dollar limit, co-payment, coinsurance, or deductible provision or to any other  
33 out-of-pocket expense that does not apply to intravenously administered or injected anticancer  
34 drugs.

35 (c) A policy, contract, or plan provider shall not achieve compliance with this section  
36 by reclassifying anticancer drugs or by increasing patient cost-sharing, including any



\* H 6 0 9 - P C S 7 0 3 4 8 - T K - 1 6 \*

1 coinsurance, co-payment, deductible, or other out-of-pocket expenses imposed on anticancer  
2 drugs. Any policy, contract, or plan change that otherwise increases an out-of-pocket expense  
3 applied to anticancer drugs must also be applied to the majority of comparable medical or  
4 pharmaceutical benefits covered by the policy, contract, or plan.

5 (d) Nothing in this section shall apply to accident-only, specified disease, hospital  
6 indemnity, Medicare supplement, long-term care, disability income, or other limited benefit  
7 health insurance policies."

8 **SECTION 2.** This act becomes effective January 1, 2014, and applies to insurance  
9 contracts issued, renewed, or amended on or after that date.