

1 HOUSE BILL NO. 615

2 INTRODUCED BY K. WILLIAMS

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE INSURANCE COMMISSIONER TO REVIEW AND
5 FACILITATE EQUITABLE TREATMENT BY INSURERS FOR CANCER PATIENTS SEEKING TO PARTICIPATE
6 IN CANCER CLINICAL TRIALS; REQUIRING THE INSURANCE COMMISSIONER TO COORDINATE WITH
7 THE CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE; REQUIRING THE
8 CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE TO REVIEW THE
9 INSURANCE COMMISSIONER'S FINAL REPORT AND RECOMMEND APPROPRIATE LEGISLATION; AND
10 PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."
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12 WHEREAS, there are hundreds of cancer patients in Montana who are eligible to participate in clinical
13 trials that could be beneficial to them, as well as hasten major breakthroughs in cancer treatment; and

14 WHEREAS, the research companies cover all costs of the clinical trials, but not the routine care (e.g.,
15 chemotherapy, etc.) a patient would have received had they not been participating in a clinical trial; and

16 WHEREAS, cancer patients are not participating in these clinical trials because most insurance
17 companies deny routine care if a patient is accepted into a clinical trial; and

18 WHEREAS, insurance companies report they deny coverage because of difficulty defining routine care
19 when an insured participates in a clinical trial; and

20 WHEREAS, limited information exists regarding this issue for consumers of health insurance to facilitate
21 their making an informed choice.
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23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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25 NEW SECTION. **Section 1. Commissioner review -- cancer clinical trails.** Pursuant to 33-1-311, the
26 insurance commissioner shall review and facilitate appropriate and equitable treatment of cancer patients eligible
27 for clinical trials by offerors of health insurance coverage in Montana. In carrying out the purposes of this section,
28 the insurance commissioner shall:

29 (1) convene an advisory committee of representatives of insurance, reinsurance, and self-insurance
30 offerors in Montana, as well as patients, health care advisors, providers, and administrators, that will meet to:

- 1 (a) evaluate the causes of the routine care coverage denials or ineligibilities for insureds recommended
2 for participation in cancer clinical trials;
- 3 (b) identify necessary federal policy changes to address these issues for purchasers of ERISA-regulated
4 health care plans;
- 5 (c) define routine care for cancer patients undergoing clinical trials; and
6 (d) make findings and recommendations to address issues associated with conclusions in this section;
- 7 (2) assess whether violations of Montana statutes are occurring related to this denial of care or
8 ineligibility of coverage and take appropriate action if any are found;
- 9 (3) review a selection of other states' policies related to required treatment of cancer routine care
10 coverage for insureds undergoing clinical trials; and
- 11 (4) coordinate with the children, families, health, and human services interim committee and summarize
12 and present the findings and recommendations in the form of a final report of the insurance commissioner to the
13 interim committee on or before March 31, 2012.

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15 **NEW SECTION. Section 2. Cancer clinical trials -- review by interim committee.** (1) The children,
16 families, health, and human services interim committee shall coordinate with the insurance commissioner
17 regarding the requirements of [section 1] and dedicate at least a portion of one meeting during the 2011-2012
18 interim for consideration of the report prepared by the advisory committee pursuant to [section 1].

19 (2) The children, families, health, and human services interim committee shall consider whether
20 legislation or other actions are necessary to facilitate equitable treatment of cancer patients in Montana and
21 facilitate participation of Montana and Montana's citizens in cancer clinical trials.

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23 **NEW SECTION. Section 3. Consumer information -- coverage of routine patient care for cancer**
24 **patients participating in cancer clinical trials.** A component of any health insurance plan comparative
25 database or system developed by the insurance commissioner must include whether the plan covers routine
26 cancer care if the patient participates in a cancer clinical trial.

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28 **NEW SECTION. Section 4. Appropriation.** There is appropriated from the general fund to the office
29 of the state auditor \$14,000 to carry out the purposes of [this act].

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1 NEW SECTION. **Section 5. Termination.** [This act] terminates June 30, 2013, or upon completion of
2 the duties described in [sections 1 through 3], whichever occurs first.

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4 NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval.

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