

SENATE BILL No. 337

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-10-8-10; IC 27-8-27; IC 27-13-7-15.

Synopsis: Insurance coverage of new cancer therapies. Requires group health insurance for public employees, individual and group health insurance policies, and health maintenance organization contracts to cover new cancer therapies that are approved by the National Institutes of Health and that meet certain requirements.

Effective: July 1, 1998.

Gard

January 8, 1998, read first time and referred to Committee on Health and Environmental Affairs.

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Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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SENATE BILL No. 337



A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-10-8-10 IS ADDED TO THE INDIANA CODE
2 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1998]: **Sec. 10. Self-insurance programs established under**
4 **section 7(b) of this chapter and contracts with health maintenance**
5 **organizations that are entered into or renewed under section 7(c)**
6 **of this chapter must provide covered individuals with coverage of**
7 **new cancer therapies under investigation by the medical**
8 **community if all of the following conditions are met:**

9 (1) **Treatment is being provided under a Phase III or Phase IV**
10 **clinical trial that is approved by the National Institutes of**
11 **Health in cooperation with at least one (1) of the following:**

12 (A) **The National Cancer Institute community clinical**
13 **oncology programs.**

14 (B) **The Food and Drug Administration as part of an**
15 **investigational new drug exemption.**

16 (C) **The Department of Veterans' Affairs.**

17 (D) **A qualified nongovernmental entity that is identified in**



- 1 the guidelines for the National Cancer Institute support
2 grants.
- 3 (2) The proposed treatment has been reviewed and approved
4 by a qualified institutional review board.
- 5 (3) The facility and personnel providing the treatment are
6 capable, by virtue of their experience, training, and number
7 of patients treated, to maintain expertise in their respective
8 fields.
- 9 (4) The patient receiving the treatment meets the protocol
10 requirements.
- 11 (5) There is no clearly superior, noninvestigational alternative
12 to the proposed new treatment.
- 13 (6) The available clinical or preclinical data provide a
14 reasonable expectation that the proposed new treatment will
15 be at least as effective as the noninvestigational alternative, if
16 any.
- 17 SECTION 2. IC 27-8-27 IS ADDED TO THE INDIANA CODE AS
18 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
19 1, 1998]:
- 20 **Chapter 27. Coverage of New Cancer Therapies**
- 21 **Sec. 1.** As used in this chapter, "policy of accident and sickness
22 insurance" has the meaning set forth in IC 27-8-5-1.
- 23 **Sec. 2.** This chapter applies to every policy of accident and
24 sickness insurance, whether written on an individual, group,
25 franchise, or blanket basis, that is issued, delivered, executed, or
26 renewed in Indiana and that provides cancer treatment benefits.
- 27 **Sec. 3.** A policy of accident and sickness insurance must provide
28 covered individuals with coverage of new cancer therapies under
29 investigation by the medical community if all of the following
30 conditions are met:
- 31 (1) Treatment is being provided under a Phase III or Phase IV
32 clinical trial that is approved by the National Institutes of
33 Health in cooperation with at least one (1) of the following:
- 34 (A) The National Cancer Institute community clinical
35 oncology programs.
- 36 (B) The Food and Drug Administration as part of an
37 investigational new drug exemption.
- 38 (C) The Department of Veterans' Affairs.
- 39 (D) A qualified nongovernmental entity that is identified in
40 the guidelines for the National Cancer Institute support
41 grants.
- 42 (2) The proposed treatment has been reviewed and approved

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1 by a qualified institutional review board.

2 (3) The facility and personnel providing the treatment are
3 capable, by virtue of their experience, training, and number
4 of patients treated, to maintain expertise in their respective
5 fields.

6 (4) The patient receiving the treatment meets the protocol
7 requirements.

8 (5) There is no clearly superior, noninvestigational alternative
9 to the proposed new treatment.

10 (6) The available clinical or preclinical data provide a
11 reasonable expectation that the proposed new treatment will
12 be at least as effective as the noninvestigational alternative, if
13 any.

14 SECTION 3. IC 27-13-7-15 IS ADDED TO THE INDIANA CODE
15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
16 1, 1998]: **Sec. 15. A contract with a health maintenance
17 organization under this chapter must provide covered individuals
18 with coverage of new cancer therapies under investigation by the
19 medical community if all of the following conditions are met:**

20 (1) Treatment is being provided under a Phase III or Phase IV
21 clinical trial that is approved by the National Institutes of
22 Health in cooperation with at least one (1) of the following:

23 (A) The National Cancer Institute community clinical
24 oncology programs.

25 (B) The Food and Drug Administration as part of an
26 investigational new drug exemption.

27 (C) The Department of Veterans' Affairs.

28 (D) A qualified nongovernmental entity that is identified in
29 the guidelines for the National Cancer Institute support
30 grants.

31 (2) The proposed treatment has been reviewed and approved
32 by a qualified institutional review board.

33 (3) The facility and personnel providing the treatment are
34 capable, by virtue of their experience, training, and number
35 of patients treated, to maintain expertise in their respective
36 fields.

37 (4) The patient receiving the treatment meets the protocol
38 requirements.

39 (5) There is no clearly superior, noninvestigational alternative
40 to the proposed new treatment.

41 (6) The available clinical or preclinical data provide a
42 reasonable expectation that the proposed new treatment will

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be at least as effective as the noninvestigational alternative, if any.

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