

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
SENATE BILL 385

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

AN ACT

RELATING TO HEALTH INSURANCE; ENACTING NEW SECTIONS OF THE  
HEALTH CARE PURCHASING ACT, THE HEALTH MAINTENANCE ORGANIZATION  
LAW AND THE NEW MEXICO INSURANCE CODE TO REQUIRE COVERAGE AND  
LIMIT PATIENT COSTS FOR ORALLY ADMINISTERED ANTICANCER  
MEDICATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Health Care Purchasing  
Act is enacted to read:

"[NEW MATERIAL] COVERAGE FOR ORALLY ADMINISTERED  
ANTICANCER MEDICATIONS--LIMITS ON PATIENT COSTS.--

A. Group health coverage, including any form of  
self-insurance, offered, issued or renewed under the Health  
Care Purchasing Act that provides coverage for cancer treatment  
shall provide coverage for a prescribed, orally administered

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1 anticancer medication that is used to kill or slow the growth  
2 of cancerous cells on a basis no less favorable than  
3 intravenously administered or injected cancer medications that  
4 are covered as medical benefits by the plan.

5 B. A group health plan shall not increase patient  
6 cost-sharing for anticancer medications in order to achieve  
7 compliance with the provisions of this section.

8 C. Coverage of orally administered anticancer  
9 medication shall not be subject to any prior authorization,  
10 dollar limit, copayment, deductible or coinsurance provision  
11 that does not apply to intravenously administered or injected  
12 anticancer medication used to kill or slow the growth of  
13 cancerous cells."

14 SECTION 2. A new section of Chapter 59A, Article 22 NMSA  
15 1978 is enacted to read:

16 "[NEW MATERIAL] COVERAGE FOR ORALLY ADMINISTERED  
17 ANTICANCER MEDICATIONS--LIMITS ON PATIENT COSTS.--

18 A. An individual or group health insurance policy,  
19 health care plan or certificate of health insurance that is  
20 delivered, issued for delivery or renewed in this state and  
21 that provides coverage for cancer treatment shall provide  
22 coverage for a prescribed, orally administered anticancer  
23 medication that is used to kill or slow the growth of cancerous  
24 cells on a basis no less favorable than intravenously  
25 administered or injected cancer medications that are covered as

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1 medical benefits by the plan.

2 B. An insurer shall not increase patient cost-  
3 sharing for anticancer medications in order to achieve  
4 compliance with the provisions of this section.

5 C. Coverage of orally administered anticancer  
6 medication shall not be subject to any prior authorization,  
7 dollar limit, copayment, deductible or coinsurance provision  
8 that does not apply to intravenously administered or injected  
9 anticancer medication used to kill or slow the growth of  
10 cancerous cells."

11 SECTION 3. A new section of Chapter 59A, Article 23 NMSA  
12 1978 is enacted to read:

13 "[NEW MATERIAL] COVERAGE FOR ORALLY ADMINISTERED  
14 ANTICANCER MEDICATIONS--LIMITS ON PATIENT COSTS.--

15 A. A blanket or group health insurance policy or  
16 contract that is delivered, issued for delivery or renewed in  
17 this state and that provides coverage for cancer treatment  
18 shall provide coverage for a prescribed, orally administered  
19 anticancer medication that is used to kill or slow the growth  
20 of cancerous cells on a basis no less favorable than  
21 intravenously administered or injected cancer medications that  
22 are covered as medical benefits by the plan.

23 B. An insurer shall not increase patient cost-  
24 sharing for anticancer medications in order to achieve  
25 compliance with the provisions of this section.

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1           C. Coverage of orally administered anticancer  
2 medication shall not be subject to any prior authorization,  
3 dollar limit, copayment, deductible or coinsurance provision  
4 that does not apply to intravenously administered or injected  
5 anticancer medication used to kill or slow the growth of  
6 cancerous cells."

7           **SECTION 4.** A new section of the Health Maintenance  
8 Organization Law is enacted to read:

9           "[NEW MATERIAL] COVERAGE FOR ORALLY ADMINISTERED  
10 ANTICANCER MEDICATIONS--LIMITS ON PATIENT COSTS.--

11           A. An individual or group health maintenance  
12 organization contract that is delivered, issued for delivery or  
13 renewed in this state and that provides coverage for cancer  
14 treatment shall provide coverage for a prescribed, orally  
15 administered anticancer medication that is used to kill or slow  
16 the growth of cancerous cells on a basis no less favorable than  
17 intravenously administered or injected cancer medications that  
18 are covered as medical benefits by the plan.

19           B. A health maintenance organization shall not  
20 increase patient cost-sharing for anticancer medications in  
21 order to achieve compliance with the provisions of this  
22 section.

23           C. Coverage of orally administered anticancer  
24 medication shall not be subject to any prior authorization,  
25 dollar limit, copayment, deductible or coinsurance provision

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1 that does not apply to intravenously administered or injected  
2 anticancer medication used to kill or slow the growth of  
3 cancerous cells."

4 SECTION 5. A new section of Chapter 59A, Article 47 NMSA  
5 1978 is enacted to read:

6 "[NEW MATERIAL] COVERAGE FOR ORALLY ADMINISTERED  
7 ANTICANCER MEDICATIONS--LIMITS ON PATIENT COSTS.--

8 A. An individual or group health insurance policy,  
9 health care plan or certificate of health insurance that is  
10 delivered, issued for delivery or renewed in this state and  
11 that provides coverage for cancer treatment shall provide  
12 coverage for a prescribed, orally administered anticancer  
13 medication that is used to kill or slow the growth of cancerous  
14 cells on a basis no less favorable than intravenously  
15 administered or injected cancer medications that are covered as  
16 medical benefits by the plan.

17 B. A nonprofit health care plan shall not increase  
18 patient cost-sharing for anticancer medications in order to  
19 achieve compliance with the provisions of this section.

20 C. Coverage of orally administered anticancer  
21 medication shall not be subject to any prior authorization,  
22 dollar limit, copayment, deductible or coinsurance provision  
23 that does not apply to intravenously administered or injected  
24 anticancer medication used to kill or slow the growth of  
25 cancerous cells."

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SECTION 6. APPLICABILITY.--The provisions of this act apply to insurance policies that provide coverage for cancer treatment and that are delivered, issued for delivery, amended, renewed or continued in this state on or after January 1, 2012.

SECTION 7. EFFECTIVE DATE.--The effective date of the provisions of this act is June 17, 2011.

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