MISSISSIPPI LEGISLATURE REGULAR SESSION 2002

By: Representatives Scott (17th), Clarke, Holland, Peranich, Thomas, Whittington

To: Insurance

HOUSE BILL NO. 1615

AN ACT TO REQUIRE THAT CERTAIN HEALTH INSURANCE POLICIES PROVIDE COVERAGE FOR ROUTINE PATIENT CARE COSTS FOR PERSONS ENROLLED IN CANCER CLINICAL TRIALS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) Except for policies which provide coverage for specified diseases only and other limited benefit health insurance policies, no policy or certificate of health, medical, hospitalization or accident and sickness insurance and no subscriber contract provided by a nonprofit health service plan corporation or health maintenance organization shall be issued, renewed, continued, issued for delivery or executed in this state after July 1, 2002, unless the policy, plan or contract specifically provides coverage of routine patient care costs that are incurred by the insured in all phases of an approved cancer clinical trial as a result of:

(a) Treatment provided for a life-threatening condition; or

(b) Prevention, early detection and treatment studies on cancer.

(2) For purposes of this section, "routine patient care costs" means the cost of a medically necessary health care service that is incurred as a result of the treatment being provided to the patient for the purpose of an approved cancer clinical trial. "Routine patient care costs" does not include:

(a) The cost of an investigational drug or device;

(b) The cost of non-health care services that a patient may be required to receive as a result of the treatment being provided for purposes of the clinical trial;

(c) Costs associated with managing the research associated with clinical trial; or

(d) Costs that would not be covered under the patient's policy plan or contract for noninvestigational treatments.

(3) "Approved clinical cancer trial" means a program in which the treatment, studies, faculty and personnel are approved by:

(a) The National Institutes of Health;

(b) The National Institutes of Health Cooperative Group or the National Institutes of Health Center;

(c) The Food and Drug Administration, in the form of an investigational new drug or device exemption;

(d) The Department of Veterans Affairs;

(e) The Department of Defense; or

(f) A qualified nongovernmental research entity identified in the guidelines issued by the National Institutes of Health for center support grants.

"Approved cancer clinical trial" also means a program of treatment for which there is clearly no superior, noninvestigational treatment alternative, and the available clinical or preclinical data provide a reasonable expectation that the treatment is at least as effective as the noninvestigational alternative.

SECTION 2. This act shall take effect and be in force from and after July 1, 2002.