

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)
CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2072

By: Bass of the House

and

Hendrick of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to public health and insurance; amending Sections 5 and 6, Chapter 250, O.S.L. 1993 (63 O.S. Supp. 1993, Sections 1-2604 and 1-2605), which relate to coverage for prescription drugs; modifying coverage for certain prescription drugs for cancer treatment and study of oncology; providing for recodification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 5, Chapter 250, O.S.L. 1993 (63 O.S. Supp. 1993, Section 1-2604), is amended to read as follows:

Section 1-2604. A. No individual policy of accident and health insurance issued which provides coverage for prescription drugs, nor any group blanket policy of accident and health insurance issued which provides coverage for prescription drugs shall exclude coverage of prescription drugs used for cancer treatment ~~or the study of oncology because the off-label use of such prescription drug has not been approved by the Federal Food and Drug Administration for that indication~~ if such use is:

1. Contained in one of the following standard reference compendia, as defined in paragraph (d) of Section 1-1401 of Title 63 of the Oklahoma Statutes:

- a. the American Medical Association Drug Evaluations,
- b. the American Hospital Formulary Service Drug Information, or
- c. the United States Pharmacopeia Drug Information; or

2. Recommended by a peer reviewed article in one of the following major medical journals:

- a. American Journal of Medicine,
- b. Annals of Oncology,
- c. Annals of Internal Medicine,
- d. The Journal of the American Medical Association,
- e. Journal of Clinical Oncology,
- f. Journal of the National Cancer Institute,
- g. The New England Journal of Medicine,
- h. Blood,
- i. British Journal of Cancer,
- j. British Journal of Hematology,
- k. British Medical Journal,
- l. Cancer,
- m. Cancer Chemotherapy and Pharmacology,
- n. Cancer Research,
- o. Drugs,
- p. European Journal of Cancer (formerly the European Journal of Cancer and Clinical Oncology),
- q. Internal Journal of Radiation Oncology, Biology and Physics,
- r. Lancet, or
- s. Leukemia;

B. Any coverage of a prescription drug required by this section shall also include provisions for coverage of medically necessary services associated with the administration of the prescription drug.

C. 1. Prescription drugs and associated costs of medically necessary services for clinical trials for cancer treatment shall also be covered when the treatment is provided pursuant to a clinical trial that has been approved by any of the following:

- a. the National Cancer Institute, and performed at any of its clinical cancer centers, cooperative programs or community clinical oncology programs,

- b. the United States Food and Drug Administration in the form of an investigational new drug (IND) exemption, or
- c. the United States Department of Veterans Affairs, for clinical trials that are part of a clinical cancer center program approved by the National Cancer Institute.

2. As used in this subsection, "costs of medically necessary services" means physician fees and hospital expenses incurred whenever an enrollee, subscriber or insured participates in a clinical trial, but does not include research-related costs.

D. Nothing in this section shall be construed as altering existing law with regard to provisions limiting the coverage of prescription drugs that have not been approved by the Federal Food and Drug Administration except as provided herein.

SECTION 2. AMENDATORY Section 6, Chapter 250, O.S.L. 1993 (63 O.S. Supp. 1993, Section 1-2605), is amended to read as follows:

Section 1-2605. Any group or non-group health maintenance contract which provides coverage for prescription drugs shall also provide coverage of ~~off-label uses of~~ prescription drugs used in the treatment of cancer ~~or the study of oncology~~ if such use is:

1. Contained in one of the following standard reference compendia:

- a. the American Medical Association Drug Evaluations,
- b. the American Hospital Formulary Service Drug Information, or
- c. the United States Pharmacopeia Drug Information; or

2. Recommended by a peer reviewed article in one of the following major medical journals:

- a. American Journal of Medicine,
- b. Annals of Oncology,
- c. Annals of Internal Medicine,
- d. The Journal of the American Medical Association,
- e. Journal of Clinical Oncology,
- f. Journal of the National Cancer Institute,

- g. The New England Journal of Medicine,
- h. Blood,
- i. British Journal of Cancer,
- j. British Journal of Hematology,
- k. British Medical Journal,
- l. Cancer,
- m. Cancer Chemotherapy and Pharmacology,
- n. Cancer Research,
- o. Drugs,
- p. European Journal of Cancer (formerly the European Journal of Cancer and Clinical Oncology),
- q. Internal Journal of Radiation Oncology, Biology and Physics,
- r. Lancet, or
- s. Leukemia;

B. 1. Prescription drugs and associated costs of medically necessary services for clinical trials for cancer treatment shall also be covered when the treatment is provided pursuant to a clinical trial that has been approved by any of the following:

- a. the National Cancer Institute, and performed at any of its clinical cancer centers, cooperative programs or community clinical oncology programs,
- b. the United States Food and Drug Administration in the form of an investigational new drug (IND) exemption, or
- c. the United States Department of Veterans Affairs, for clinical trials that are part of a clinical cancer center program approved by the National Cancer Institute.

2. As used in this subsection, "costs of medically necessary services" means physician fees and hospital expenses incurred whenever an enrollee, subscriber or insured participates in a clinical trial, but does not include research-related costs.

SECTION 3. RECODIFICATION Sections 5 and 6, Chapter 250, O.S.L. 1993 (63 O.S. Supp. 1993, Sections 1-2604 and 1-2605), as amended by Sections 1 and 2 of this act shall be recodified as Req. No. L9774Page 4

Sections 4405.1 and 4405.2 respectively of Title 36 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-2-L9774 MCD