



North Dakota's Oral Anticancer Treatment Access Law: What Clinicians Need to Know



Outdated coverage policies in North Dakota USED TO limit cancer patients' access to life-saving drugs!

Traditionally, IV chemotherapy treatments are covered under a health plan's medical benefit where the patient is required to pay an office visit copay, usually between \$20 and \$30. Conversely, oral anticancer medications are covered under a health plan's prescription benefit and, many times, patients are responsible for extremely high and unmanageable copays, creating an enormous barrier for patients to access orally administered drugs. According to a recent study published in the Journal of Oncology Practice and American Journal of Managed Care, 10% of cancer patients failed to fill their initial prescriptions for oral anticancer medications due to high out-of-pocket costs.

Legislative Solution

In an effort to remove barriers to accessing life-saving treatments for cancer patients, North Dakota passed legislation for health policies issued or renewed on or after August 1, 2015. This legislation requires health insurance plans in North Dakota that cover cancer chemotherapy treatments to provide coverage for oral chemotherapy at a cost-sharing rate for patients that does not exceed that of their IV treatments. Additionally plans may not reclassify benefits or increase cost sharing in order to be in compliance. **To view North Dakota's oral parity law, please see next page.**

What Does This Mean for Patients?

If a patient is ***privately insured (the law does not apply to ERISA, Medicare or Medicare supplemental plans)***, and their plan covers chemotherapy, an FDA-approved, orally administered drug should be covered on a no less favorable basis than coverage for traditional IV (intravenous) chemotherapy.

What to do if an insurance plan does not comply & to find out if the law applies to your health plan:

You can file a complaint with the North Dakota Insurance Department at insurance@nd.gov or call at 800.247.0560. For information about our oral parity work in Washington, DC, please go to: peac.myeloma.org.



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Be It Enacted by the Legislature of the State of North Dakota:

A BILL for an Act to create and enact a new section to chapter 26.1-36; a new section to chapter 54-52.1 of the North Dakota Century Code, relating to insurance coverage of cancer treatment medications; and to provide for application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA: SECTION 1.

A new section to chapter 26.1-36 of the North Dakota Century Code is created and enacted as follows:

Coverage of cancer treatment medications.

1. As used in this section:

- a. "Cancer treatment medications" means prescription drugs and biologics that are used to kill, slow, or prevent the growth of cancerous cells.
- b. "Insurer" means an insurance company, nonprofit health service corporation, or health maintenance organization.
- c. "Patient - administered" includes oral administration and self - injection
- d. "Policy" means an accident and health insurance policy, contract, or evidence of coverage on a group, individual, blanket, franchise, or association basis.

2. An insurer may not deliver, issue, execute, or renew a policy that provides coverage for cancer treatment medications that are injected or are intravenously administered by a health care provider and that provides coverage for patient - administered cancer treatment medications unless the policy copayment, deductible, and coinsurance amounts for patient - administered cancer treatment medications do not exceed the amounts for cancer treatment medications that are injected or are intravenously administered by a health care provider, regardless of the formulation or benefit category.

3. An insurer may not increase a copayment, deductible, or coinsurance amount for covered cancer treatment medications that are injected or intravenously administered in order to avoid compliance with subsection 2. An insurer may not reclassify benefits with respect to cancer treatment medications in a manner that is inconsistent with this section.

SECTION 2. A new section to chapter 54-52.1 of the North Dakota Century Code is created and enacted as follows:

Coverage of cancer treatment medications.



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The board shall provide medical benefits coverage under a contract for insurance pursuant to section 54 - 52.1 - 04 or under a self - insurance plan pursuant to section 54 - 52.1 - 04.2 which provides coverage of cancer treatment medications in the same manner as provided under section 1 of this Act .

SECTION 3. APPLICATION. This Act is not subject to section 54-03-28, and therefore is not required to be accompanied by a cost-benefit analysis; is not limited in application to the public employees retirement system's health insurance programs; does not require that during the 2015-16 interim the public employees retirement system study the effect of the cancer treatment medication coverage requirements; and does not expire in two years.