

As Introduced

**128th General Assembly
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Representative Newcomb

**Cosponsors: Representatives Fende, Weddington, Hagan, Harwood, Boyd,
Phillips, Domenick, Letson, Moran, Yuko, Winburn, Luckie, Harris, Bolon**

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A B I L L

To amend section 1739.05 and to enact sections 1
1751.68, 1751.69, 3923.84, and 3923.85, of the 2
Revised Code regarding health insurance coverage 3
for orally administered cancer medications and the 4
procedures insured persons are required or 5
permitted to use in acquiring certain 6
non-self-injectable and compounded medications. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 1739.05 be amended and sections 8
1751.68, 1751.69, 3923.84, and 3923.85 of the Revised Code be 9
enacted to read as follows: 10

Sec. 1739.05. (A) A multiple employer welfare arrangement 11
that is created pursuant to sections 1739.01 to 1739.22 of the 12
Revised Code and that operates a group self-insurance program may 13
be established only if any of the following applies: 14

(1) The arrangement has and maintains a minimum enrollment of 15
three hundred employees of two or more employers. 16

(2) The arrangement has and maintains a minimum enrollment of 17
three hundred self-employed individuals. 18

(3) The arrangement has and maintains a minimum enrollment of 19
three hundred employees or self-employed individuals in any 20
combination of divisions (A)(1) and (2) of this section. 21

(B) A multiple employer welfare arrangement that is created 22
pursuant to sections 1739.01 to 1739.22 of the Revised Code and 23
that operates a group self-insurance program shall comply with all 24
laws applicable to self-funded programs in this state, including 25
sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 26
to 3901.3814, 3901.40, 3901.45, 3901.46, 3902.01 to 3902.14, 27
3923.282, 3923.30, 3923.301, 3923.38, 3923.581, 3923.63, 3923.80, 28
3923.84, 3923.85, 3924.031, 3924.032, and 3924.27 of the Revised 29
Code. 30

(C) A multiple employer welfare arrangement created pursuant 31
to sections 1739.01 to 1739.22 of the Revised Code shall solicit 32
enrollments only through agents or solicitors licensed pursuant to 33
Chapter 3905. of the Revised Code to sell or solicit sickness and 34
accident insurance. 35

(D) A multiple employer welfare arrangement created pursuant 36
to sections 1739.01 to 1739.22 of the Revised Code shall provide 37
benefits only to individuals who are members, employees of 38
members, or the dependents of members or employees, or are 39
eligible for continuation of coverage under section 1751.53 or 40
3923.38 of the Revised Code or under Title X of the "Consolidated 41
Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 42
U.S.C.A. 1161, as amended. 43

Sec. 1751.68. (A) Notwithstanding section 3901.71 of the 44
Revised Code and subject to division (B) of this section, no 45
individual or group health insuring corporation policy, contract, 46
or agreement providing basic health care services or prescription 47
drug services that is delivered, issued for delivery, or renewed 48
in this state on or after the effective date of this section and 49

that provides coverage for cancer chemotherapy treatment shall 50
provide coverage for a prescribed, orally administered cancer 51
medication on a less favorable basis than coverage for 52
intravenously administered or injected cancer medications. 53

(B) The prohibition in division (A) of this section includes 54
a prohibition on imposing a coverage limit, copayment, or 55
deductible that is greater, or a prior authorization requirement 56
that is more stringent, than any coverage limit, copayment, 57
deductible, or prior authorization requirement in the policy, 58
contract, or agreement that applies to coverage for intravenously 59
administered or injected cancer medications. 60

Sec. 1751.69. (A) As used in this section: 61

(1) "Dangerous drug" and "pharmacy" have the same meanings as 62
in section 4729.01 of the Revised Code. 63

(2) "Non-self-injectable medication" means a dangerous drug 64
intended for administration by injection that an individual cannot 65
reasonably self-administer. 66

(3) "Retail seller" has the same meaning as in section 67
4729.01 of the Revised Code, and includes a specialty pharmacy or 68
mail order pharmacy. 69

(B) No individual or group health insuring corporation 70
policy, contract, or agreement providing basic health care 71
services or prescription drug services that is delivered, issued 72
for delivery, or renewed in this state on or after the effective 73
date of this section and that provides coverage for 74
non-self-injectable medications, medications that must be 75
compounded immediately prior to administration, or both, shall do 76
either of the following: 77

(1) Require an enrollee to take possession of such a 78
medication from a pharmacy that is a retail seller; 79

(2) Give an enrollee the option of having such a medication delivered directly to the enrollee by mail or any means of commercial shipment. 80
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Sec. 3923.84. (A) Notwithstanding section 3901.71 of the Revised Code and subject to division (B) of this section, neither of the following that provides coverage for cancer chemotherapy treatment shall provide coverage for a prescribed, orally administered cancer medication on a less favorable basis than for intravenously administered or injected cancer medications: 83
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(1) An individual or group policy of sickness and accident insurance that is delivered, issued for delivery, or renewed in this state on or after the effective date of this section; 89
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(2) A public employee benefit plan that is established or modified in this state on or after the effective date of this section. 92
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(B) The prohibition in division (A) of this section includes a prohibition on imposing a coverage limit, copayment, or deductible that is greater, or a prior authorization requirement that is more stringent, than any coverage limit, copayment, deductible, or prior authorization requirement in the policy or plan that applies to coverage for intravenously administered or injected cancer medications. 95
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Sec. 3923.85. (A) As used in this section: 102

(1) "Dangerous drug" and "pharmacy" have the same meanings as in section 4729.01 of the Revised Code. 103
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(2) "Non-self-injectable medication" means a dangerous drug intended for administration by injection that an individual cannot reasonably self-administer. 105
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(3) "Retail seller" has the same meaning as in section 108

4729.01 of the Revised Code, and includes a specialty pharmacy or 109
mail order pharmacy. 110

(B) Neither of the following that provides coverage for 111
non-self-injectable medications, medications that must be 112
compounded immediately prior to administration, or both, shall 113
require an insured to take possession of such a medication from a 114
pharmacy that is a retail seller or give an insured the option of 115
having such a medication delivered directly to the insured by mail 116
or any means of commercial shipment: 117

(1) An individual or group policy of sickness and accident 118
insurance that is delivered, issued for delivery, or renewed in 119
this state on or after the effective date of this section; 120

(2) A public employee benefit plan that is established or 121
modified in this state on or after the effective date of this 122
section. 123

Section 2. That existing section 1739.05 of the Revised Code 124
is hereby repealed. 125