

As Introduced

**128th General Assembly
Regular Session
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S. B. No. 138

Senator Miller, R.

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A B I L L

To amend section 1739.05 and to enact sections 1
1751.69 and 3923.85 of the Revised Code to require 2
certain insurers that provide coverage for cancer 3
chemotherapy treatment to provide coverage for 4
certain prescribed, orally administered anticancer 5
medication on a basis no less favorable than 6
intravenously administered or injected cancer 7
medications that are covered under the policy. 8

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

Section 1. That section 1739.05 be amended and sections 9
1751.69 and 3923.85 of the Revised Code be enacted to read as 10
follows: 11

Sec. 1739.05. (A) A multiple employer welfare arrangement 12
that is created pursuant to sections 1739.01 to 1739.22 of the 13
Revised Code and that operates a group self-insurance program may 14
be established only if any of the following applies: 15

(1) The arrangement has and maintains a minimum enrollment of 16
three hundred employees of two or more employers. 17

(2) The arrangement has and maintains a minimum enrollment of 18
three hundred self-employed individuals. 19

(3) The arrangement has and maintains a minimum enrollment of 20
three hundred employees or self-employed individuals in any 21
combination of divisions (A)(1) and (2) of this section. 22

(B) A multiple employer welfare arrangement that is created 23
pursuant to sections 1739.01 to 1739.22 of the Revised Code and 24
that operates a group self-insurance program shall comply with all 25
laws applicable to self-funded programs in this state, including 26
sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 27
to 3901.3814, 3901.40, 3901.45, 3901.46, 3902.01 to 3902.14, 28
3923.282, 3923.30, 3923.301, 3923.38, 3923.581, 3923.63, 3923.80, 29
3923.85, 3924.031, 3924.032, and 3924.27 of the Revised 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. 1751.69. Notwithstanding section 3901.71 of the Revised 44
Code, each individual or group health insuring corporation policy, 45
contract, or agreement providing basic health care services that 46
is delivered, issued for delivery, or renewed in this state that 47
provides coverage for cancer chemotherapy treatment shall provide 48
coverage for a prescribed, orally administered anticancer 49
medication used to kill or slow the growth of cancerous cells on a 50

basis no less favorable than intravenously administered or 51
injected cancer medications that are covered under the policy, 52
contract, or agreement. 53

Sec. 3923.85. Notwithstanding section 3901.71 of the Revised 54
Code, each individual or group policy of sickness and accident 55
insurance that is delivered, issued for delivery, or renewed in 56
this state or public employee benefit plan that is established or 57
modified in this state that provides coverage for cancer 58
chemotherapy treatment shall provide coverage for a prescribed, 59
orally administered anticancer medication used to kill or slow the 60
growth of cancerous cells on a basis no less favorable than 61
intravenously administered or injected cancer medications that are 62
covered under the policy or plan. 63

This section does not apply to the offer or renewal of any 64
individual or group policy of sickness and accident insurance that 65
provides coverage for specific diseases or accidents only, or to 66
any hospital indemnity, medicare supplement, medicare, tricare, 67
long-term care, disability income, one-time limited duration 68
policy of not longer than six months, or other policy that offers 69
only supplemental benefits. 70

Section 2. That existing section 1739.05 of the Revised Code 71
is hereby repealed. 72

Section 3. Sections 1751.69 and 3923.85 of the Revised Code, 73
as enacted by this act, shall apply only to policies, contracts, 74
agreements, and plans that are delivered, issued for delivery, 75
renewed, established, or modified in this state on or after the 76
effective date of this act. 77