

SENATE BILL NO. 280

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY SENATOR DAVIS

Introduced: 2/19/08

Referred: Health, Education and Social Services, Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring health care insurers to provide insurance coverage for medical care
2 received by a patient during certain approved clinical trials designed to test and
3 improve prevention, diagnosis, treatment, or palliation of cancer; directing the
4 Department of Health and Social Services to provide Medicaid services to persons who
5 participate in clinical trials; relating to experimental treatments; and providing for an
6 effective date."

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 * **Section 1.** AS 21.42 is amended by adding a new section to read:

9 **Sec. 21.42.410. Coverage for clinical trials related to cancer.** (a) A health
10 care insurer that offers, issues for delivery, delivers, or renews a health care insurance
11 plan shall provide coverage for the costs of medical care incurred by a patient enrolled
12 in an approved clinical trial related to cancer, including the costs of prevention,
13 detection, treatment, and palliative care of cancer. The coverage to be provided must

1 include leukemia, lymphoma, and bone marrow stem cell disorders.

2 (b) The cost of medical care required under (a) of this section includes
3 payment for the costs of medical care regardless of where treatment in a clinical trial is
4 administered.

5 (c) This section does not apply to a fraternal benefit society.

6 (d) In this section,

7 (1) "approved clinical trial related to cancer" means a scientific study
8 using human subjects designed to test and improve

9 (A) prevention, diagnosis, treatment, or palliative care of
10 cancer; or

11 (B) the safety and effectiveness of a drug or device used in the
12 treatment of cancer if the drug or device is approved by an institutional review
13 board, and one or more of the following:

14 (i) The United States Department of Health and Human
15 Services, National Institutes of Health, or its institutes or centers;

16 (ii) The United States Department of Health and Human
17 Services, United States Food and Drug Administration;

18 (iii) The United States Department of Defense;

19 (iv) The United States Department of Veterans' Affairs;

20 or

21 (v) a nongovernmental research entity abiding by
22 current National Institute of Health guidelines;

23 (2) "cost of medical care"

24 (A) means the amount paid for

25 (i) diagnosis, care, mitigation, treatment, or prevention
26 of disease; or for the purpose of affecting any structure or function of
27 the body, including the use of a drug or device and the medically
28 necessary services required to administer the drug or use the device;

29 (ii) a drug or device approved for use by the Food and
30 Drug Administration regardless of whether the Food and Drug
31 Administration has approved the drug or device for use in treating the

1 patient's particular condition and the medically necessary services to
2 administer the drug or to use the device; and

3 (iii) transportation primarily for and essential to medical
4 care described in this paragraph;

5 (B) does not include amounts paid for

6 (i) an item that is the subject of investigation in a
7 clinical trial; or

8 (ii) the costs incurred by the sponsor of a clinical trial
9 for data collection or analysis.

10 * **Sec. 2.** AS 21.55.140(a) is amended to read:

11 (a) A state plan may not provide benefits for charges for the following:

12 (1) care for an injury or disease either

13 (A) arising out of and in the course of an employment subject
14 to a workers' compensation or similar law or where the benefit is available to
15 be provided under a workers' compensation policy or equivalent self-insurance
16 to a sole proprietor, business partner, or corporation officer; or

17 (B) to the extent benefits are payable without regard to fault
18 under a coverage statutorily required to be contained in a motor vehicle or
19 other liability insurance policy or equivalent self-insurance;

20 (2) treatment for cosmetic purposes other than surgery for the prompt
21 repair of an accidental injury sustained while covered or for replacement of an
22 anatomic structure removed during treatment of tumors;

23 (3) travel, other than transportation covered under AS 21.55.110(17);

24 (4) private room accommodations to the extent it is in excess of the
25 institution's most common charge for a semiprivate room;

26 (5) services or articles to the extent that the charge exceeds the
27 reasonable charge in the locality for the service;

28 (6) services or articles that are determined not to be medically
29 necessary, except for the fabrication or placement of the prosthesis as specified in
30 AS 21.55.110(12) and (2) of this subsection;

31 (7) services or articles that are not within the scope of the license or

1 certificate of the institution or individual rendering the services or articles;

2 (8) services or articles furnished, paid for, or reimbursed directly by or
3 under any law of a government, except as otherwise provided in this chapter;

4 (9) services or articles for custodial care or designed primarily to assist
5 an individual in the activities of daily living;

6 (10) service charges that would not have been made if no insurance
7 existed or that the covered individual is not legally obligated to pay;

8 (11) eyeglasses, contact lenses, or hearing aids or the fitting of them;

9 (12) dental care not specifically covered by this chapter;

10 (13) services of a registered nurse who ordinarily resides in the
11 covered individual's home, or who is a member of the covered individual's family or
12 the family of the covered individual's spouse;

13 (14) experimental procedures, except during an approved clinical
14 trial related to cancer; in this paragraph, "approved clinical trial related to
15 cancer" has the meaning given in AS 21.42.410; and

16 (15) services and supplies for which the patient was not charged.

17 * **Sec. 3.** AS 47.07.030 is amended by adding a new subsection to read:

18 (e) The department shall provide the services set out in (a) and (b) of this
19 section to an eligible person, notwithstanding the person's participation in an approved
20 clinical trial related to cancer. In this subsection, "approved clinical trial related to
21 cancer" has the meaning given in AS 21.42.410.

22 * **Sec. 4.** This Act takes effect January 1, 2009.