

**SB**

**10**

# Alaska State Legislature

Interim: (May - Dec.)  
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Anchorage, AK 99501  
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Session: (Jan. - May)  
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Senator Bettye Davis@legis.state.ak.us  
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## Senator Bettye Davis

### SB 10 26-LS0073A

**“An Act requiring health care insurers to provide insurance coverage for medical care received by a patient during certain approved clinical trials designed to test and improve prevention, diagnosis, treatment, or palliation of cancer; directing the Department of Health and Social Services to provide Medicaid services to persons who participate in clinical trials; relating to experimental procedures under a state plan offered by the Comprehensive Health Insurance Association; and providing for an effective date.”**

### SPONSOR STATEMENT

Clinical trials are research studies that test how well new medical approaches work in patients. Each study answers scientific questions and tries to find better ways to prevent, screen for, diagnose, or treat disease. Patients who take part in cancer clinical trials have an opportunity to contribute to the knowledge of, and progress against cancer. They also receive state-of-the-art treatment from experts in the field. The National Cancer Institute, as part of the U.S. National Institutes of Health, reports 6,000 cancer trials in the United States any one time. They include trials in prevention, screening, diagnosis, treatment, quality-of-life, and genetic studies.

**SB 10 removes important barriers to the participation of patients in cancer clinical trials in Alaska.** It requires that applicable health care plans, including Medicaid, cover routine patient care costs for patients enrolled in all phases of clinical trials, including prevention, detection, treatment, and palliation (supportive care) of cancer. Currently Alaska health plans may exclude coverage for routine patient-care costs while a patient with cancer is enrolled in a clinical trial. Providers of health care plans often conclude that money is saved by excluding care while patients participate in clinical trials. But these patients, if not enrolled in clinical trials, will continue to receive conventional therapy at roughly the same or slightly increased costs in the short-run.

**Studies have shown that only 2-3 percent of eligible adult patients enroll in clinical trials with a 6.5% increase in costs for clinical trial participants compared to nonparticipants.** (National Conference of State Legislatures, [www.ncsl.org/programs/health/clinicaltrials.htm](http://www.ncsl.org/programs/health/clinicaltrials.htm), accessed 2/27/08) Without in-state facilities and support of clinical trials participants in Alaska currently have to travel out of state, increasing the cost of non-emergency transportation which is about 3% of total Medicaid costs.

**In FY 2007 an estimated 4,600 patients received cancer treatments through Alaska's Medicaid program at a cost of \$21.5 million. The average payment per beneficiary was about \$4,675. The federal government reimburses the state at about 50% of the total costs. Based on an estimated 2.5% participation rate per above, about 115 patients are expected to participate in clinical trials each year. A 6.5% average increase for 115 persons would add \$35.00 per year to Medicaid for cancer treatments. Non-emergency transportation costs for the same group are estimated to add another \$15.00 per year. Medicaid insurance cost for cancer clinical trials is estimated to increase \$50,000 with the federal government paying half of this.**

**Twenty-three or more states have passed legislation or instituted special agreements requiring health plans to pay the cost of routine medical care patients receive while participating in clinical trials. Passage of SB 10 will result in more successful outcomes in cancer treatments in Alaska, increase retention of patients in Alaska for their cancer care, and also, after full implementation, result in cost savings in the short and long term.**

**A description of "The Access to Cancer Clinical Trials Act of 2009" (Rep. Sue Myrick) per "The Hill's Congress Blog" January 30, 2009 sums up to a large extent what SB 10 is attempting to do:**

*"Clinical trials are so critical for patients and or medical research, yet many patients find that their health insurance won't cover the rest of their routine cancer treatment if they decide to enroll in clinical trials. We're not asking insurance companies to pay for clinical trials. This bill simply states that insurers must continue to pay for routine treatments — that they would be paying for regardless — if patients enroll in a clinical trial.*

*No patient should ever have to fear exploring all treatment options at the cost of losing coverage. We should be encouraging participation in clinical trials, not discouraging it by removing coverage for routine care. Were it not for patients who have enrolled in past trials, the medial advancements we've experienced toward finding a cure for cancer would not be possible.*

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Senator [Bettye Davis@legis.state.ak.us](mailto:Bettye_Davis@legis.state.ak.us)  
<http://www.akdemocrats.org>

## Senator Bettye Davis

### CS for Senate Bill 10( ) 26-LS0073\E

**“An Act requiring health care insurers to provide insurance coverage for medical care received by a patient during certain approved clinical trials designed to test and improve prevention, diagnosis, treatment, or palliation of cancer; directing the Department of Health and Social Services to provide Medicaid services to persons who participate in clinical trials; relating to experimental procedures under a state plan offered by the Comprehensive Health Insurance Association; and providing for an effective date.”**

### EXPLANATION OF COMMITTEE SUBSTITUTE

The Committee Substitute for Senate Bill 10( ) makes several substantive definitional changes in the body of the bill itself to clarify sections in the original bill outlined below and it reorganizes the bill in accordance with requirements of the Drafting Manual by Legislative Counsel:

- 1) **“Approved clinical trial related to cancer”** (AS 21.42.410(1)(e)(1) means a scientific study using human subjects designed to test and improve prevention, diagnosis, treatment, or palliative care of cancer, or the safety and effectiveness of a drug, device, or procedure use in the prevention, diagnosis, treatment, or palliative care of cancer if the study is approved by....
- 2) **“Routine patient costs”** (AS 21.42.410(1)(e)(2) means costs incurred for medical care for an approved clinical trial related to cancer that would otherwise be covered under a health care insurance plan if the medical care was not in connection with an approved clinical trial related to cancer, including: coverage for items or services needed for reasonable and necessary care arising from the provision of an investigational item or service, including the diagnosis or treatment of complications; and transportation for the patient that is primarily for and essential to the medical care.
- 3) **“Coverage for approved and non-approved drugs and devices”**(AS 21.42.410(1)(e)(2) (off-label use) includes coverage for routine patient care costs incurred for drugs and devices that have been approved by the Food and Drug Administration (FDA), whether or not the FDA has approved the drug or device for use in treating the patient’s particular condition, to the extent that the drugs or devices are not paid for by the manufacturer, distributor, or provider of that drug or device. This shall include coverage for reasonable and medically necessary services needed to administer the drug or device under evaluation in the clinical trial.

26-LS0073AE  
Bailey  
2/3/09

**CS FOR SENATE BILL NO. 10( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-SIXTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): SENATOR DAVIS**

**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 those clinical trials; relating to experimental procedures under a state**  
 6 **plan offered by the Comprehensive Health Insurance Association; and providing for an**  
 7 **effective date."**

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

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

10 **Sec. 21.42.410. Coverage for clinical trials related to cancer. (a) A health**  
 11 **care insurer that offers, issues for delivery, delivers, or renews a health care insurance**  
 12 **plan in the state shall cover routine patient care costs incurred by a patient enrolled in**  
 13 **an approved clinical trial related to cancer, including leukemia, lymphoma, and bone**

1 marrow stem cell disorders.

2 (b) The health care insurer is required to provide coverage under this section  
3 only if the patient's treating physician determines that

4 (1) there is no clearly superior noninvestigational treatment alternative;  
5 and

6 (2) available clinical or preclinical data provide a reasonable  
7 expectation that the treatment provided in the clinical trial will be at least as  
8 efficacious as any noninvestigational alternative.

9 (c) The coverage to be provided under (a) of this section must include  
10 payment for the costs of

11 (1) prevention, diagnosis, treatment, and palliative care of cancer;

12 (2) medical care for an approved clinical trial related to cancer that  
13 would otherwise be covered under a health care insurance plan if the medical care  
14 were not in connection with an approved clinical trial related to cancer;

15 (3) items or services necessary to provide an investigational item or  
16 service;

17 (4) the diagnosis or treatment of complications;

18 (5) a drug or device approved by the United States Food and Drug  
19 Administration without regard to whether the United States Food and Drug  
20 Administration approved the drug or device for use in treating a patient's particular  
21 condition, but only to the extent that the drug or device is not paid for by the  
22 manufacturer, distributor, or provider of the drug or device;

23 (6) services necessary to administer a drug or device under evaluation  
24 in the clinical trial; and

25 (7) transportation for the patient that is primarily for and essential to  
26 the medical care.

27 (d) The coverage to be provided under (a) of this section may not include the  
28 cost of

29 (1) a drug or device that is associated with the clinical trial that has not  
30 been approved by the United States Food and Drug Administration;

31 (2) housing, companion expenses, or other nonclinical expenses

1 associated with the clinical trial;

2 (3) an item or service provided solely to satisfy data collection and  
3 analysis and not used in the clinical management of the patient;

4 (4) an item or service excluded from coverage under the patient's  
5 health care insurance plan; and

6 (5) an item or service paid for or customarily paid for through grants or  
7 other funding.

8 (e) The coverage required by this section is subject to the standard policy  
9 provisions applicable to other benefits, including deductible, coinsurance, or  
10 copayment provisions.

11 (f) This section does not apply to a fraternal benefit society.

12 (g) In this section, "approved clinical trial" means a scientific study using  
13 human subjects designed to test and improve prevention, diagnosis, treatment, or  
14 palliative care of cancer, or the safety and effectiveness of a drug, device, or procedure  
15 used in the prevention, diagnosis, treatment, or palliative care of a subject, if the study  
16 is approved by

17 (1) an institutional review board that complies with 45 CFR Part 46;  
18 and

19 (2) one or more of the following:

20 (A) the United States Department of Health and Human  
21 Services, National Institutes of Health, or its institutes or centers;

22 (B) the United States Department of Health and Human  
23 Services, United States Food and Drug Administration;

24 (C) the United States Department of Defense;

25 (D) the United States Department of Veterans' Affairs; or

26 (E) a nongovernmental research entity abiding by current  
27 National Institute of Health guidelines.

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

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

30 (1) care for an injury or disease either

31 (A) arising out of and in the course of an employment subject

1 to a workers' compensation or similar law or where the benefit is available to  
2 be provided under a workers' compensation policy or equivalent self-insurance  
3 to a sole proprietor, business partner, or corporation officer; or

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

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

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

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

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

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

18 (7) services or articles that are not within the scope of the license or  
19 certificate of the institution or individual rendering the services or articles;

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

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

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

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

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

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

31 (14) experimental procedures, except during an approved clinical

1 trial; in this paragraph, "approved clinical trial" has the meaning given in  
2 AS 21.42.410; and

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

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

5 (e) The department shall provide the services set out in (a) and (b) of this  
6 section to an eligible person, notwithstanding the person's participation in an approved  
7 clinical trial. In this subsection, "approved clinical trial" has the meaning given in  
8 AS 21.42.410.

9 \* Sec. 4. This Act takes effect January 1, 2010.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

February 2, 2009

**SUBJECT:** Mandatory insurance for clinical trials for cancer, sectional summary (SB 10; Work Order No. 26-LS0073\A)

**TO:** Senator Bettye Davis  
Attn: Thomas Obermeyer

**FROM:** Dennis C. Bailey *DCB*  
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

**Section 1.** Requires health care insurers to cover approved clinical trials for cancer if there is no clearly superior noninvestigational treatment alternative, and available clinical or preclinical data provide a reasonable expectation that the treatment in the clinical trial will be at least as efficacious as any noninvestigational alternative; makes coverage for clinical trials subject to standard policy provisions that are applicable to other benefits; and defines covered clinical trials and patient costs.

**Section 2.** Requires the state health insurance plan provided by the Comprehensive Health Care Insurance Association to include clinical trials related to cancer in its minimum standard benefits.

**Section 3.** Requires the state Medicaid program to cover clinical trials related to cancer.

**Section 4.** Gives the Act a January 1, 2010, effective date.

DCB:lmb  
09-011.lmb

SENATE BILL NO. 10  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SIXTH LEGISLATURE - FIRST SESSION

BY SENATOR DAVIS

Introduced: 1/9/09  
Referred: Prefiled

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 those clinical trials; relating to experimental procedures under a state  
6 plan offered by the Comprehensive Health Insurance Association; and providing for an  
7 effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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

10 Sec. 21.42.410. Coverage for clinical trials related to cancer. (a) A health  
11 care insurer that offers, issues for delivery, delivers, or renews a health care insurance  
12 plan in the state shall cover routine patient care costs incurred by a patient enrolled in  
13 an approved clinical trial related to cancer. The coverage provided must include the

1 costs of prevention, diagnosis, treatment, and palliative care of cancer. The health care  
 2 insurer is required to provide coverage under this section only if the patient's treating  
 3 physician determines that

4 (1) there is no clearly superior noninvestigational treatment alternative;  
 5 and

6 (2) available clinical or preclinical data provide a reasonable  
 7 expectation that the treatment provided in the clinical trial will be at least as  
 8 efficacious as any noninvestigational alternative.

9 (b) The coverage to be provided under (a) of this section must include  
 10 leukemia, lymphoma, and bone marrow stem cell disorders.

11 (c) The coverage required by this section is subject to the standard policy  
 12 provisions applicable to other benefits, including deductible or copayment provisions.

13 (d) This section does not apply to a fraternal benefit society.

14 (e) In this section,

15 (1) "approved clinical trial related to cancer" means a scientific study  
 16 using human subjects designed to test and improve prevention, diagnosis, treatment, or  
 17 palliative care of cancer, or the safety and effectiveness of a drug, device, or procedure  
 18 used in the treatment of cancer if the study is approved by

19 (A) an institutional review board that complies with 45 CFR  
 20 Part 46; and

21 (B) one or more of the following:

22 (i) the United States Department of Health and Human  
 23 Services, National Institutes of Health, or its institutes or centers;

24 (ii) the United States Department of Health and Human  
 25 Services, United States Food and Drug Administration;

26 (iii) the United States Department of Defense;

27 (iv) the United States Department of Veterans' Affairs;

28 or

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

31 (2) "routine patient care costs"

1 (A) means the costs incurred for medical care for an approved  
 2 clinical trial related to cancer that would otherwise be covered under a health  
 3 care insurance plan if the medical care was not in connection with an approved  
 4 clinical trial related to cancer, including transportation for the patient that is  
 5 primarily for and essential to the medical care;

6 (B) does not include the cost for

7 (i) a drug or device that is associated with the clinical  
 8 trial that has not been approved by the United States Food and Drug  
 9 Administration;

10 (ii) housing, companion expenses, or other nonclinical  
 11 expenses associated with the clinical trial;

12 (iii) an item or service provided solely to satisfy data  
 13 collection and analysis and not used in the clinical management of the  
 14 patient;

15 (iv) an item or service excluded from coverage under  
 16 the patient's health care insurance plan; and

17 (v) an item or service paid for or customarily paid for  
 18 through grants or other funding.

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

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

21 (1) care for an injury or disease either

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

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

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

- 1 (3) travel, other than transportation covered under AS 21.55.110(17);
- 2 (4) private room accommodations to the extent it is in excess of the
- 3 institution's most common charge for a semiprivate room;
- 4 (5) services or articles to the extent that the charge exceeds the
- 5 reasonable charge in the locality for the service;
- 6 (6) services or articles that are determined not to be medically
- 7 necessary, except for the fabrication or placement of the prosthesis as specified in
- 8 AS 21.55.110(12) and (2) of this subsection;
- 9 (7) services or articles that are not within the scope of the license or
- 10 certificate of the institution or individual rendering the services or articles;
- 11 (8) services or articles furnished, paid for, or reimbursed directly by or
- 12 under any law of a government, except as otherwise provided in this chapter;
- 13 (9) services or articles for custodial care or designed primarily to assist
- 14 an individual in the activities of daily living;
- 15 (10) service charges that would not have been made if no insurance
- 16 existed or that the covered individual is not legally obligated to pay;
- 17 (11) eyeglasses, contact lenses, or hearing aids or the fitting of them;
- 18 (12) dental care not specifically covered by this chapter;
- 19 (13) services of a registered nurse who ordinarily resides in the
- 20 covered individual's home, or who is a member of the covered individual's family or
- 21 the family of the covered individual's spouse;
- 22 (14) experimental procedures, except during an approved clinical
- 23 trial related to cancer; in this paragraph, "approved clinical trial related to
- 24 cancer" has the meaning given in AS 21.42.410; and
- 25 (15) services and supplies for which the patient was not charged.

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

27 (e) The department shall provide the services set out in (a) and (b) of this

28 section to an eligible person, notwithstanding the person's participation in an approved

29 clinical trial related to cancer. In this subsection, "approved clinical trial related to

30 cancer" has the meaning given in AS 21.42.410.

31 \* Sec. 4. This Act takes effect January 1, 2010.

# FISCAL NOTE

STATE OF ALASKA  
2009 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: SB 010  
() Publish Date: \_\_\_\_\_

Identifier (file name): SB010-DHSS-MS-02-11-09 Dept. Affected: Health & Social Services  
Title Medicaid/Insurance For Cancer Clinical Trials RDU Health Care Services  
Component Medicaid Services  
Sponsor Davis  
Requester Senate HSS Component Number 2077

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES (</b>								
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2009) cost: 0.0

**POSITIONS**

Full-time								
Part-time								
Temporary								

**ANALYSIS:** (Attach a separate page if necessary)

SB 010 amends the Medicaid statute (AS 47.07.030) to add a new subsection (e) that requires the program to pay for Medicaid covered services for Medicaid recipients even when provided as part of an approved clinical trial related to cancer.

The bill would be effective on January 1, 2010. It is not expected to result in an increase in Medicaid expenditures as Medicaid already covers these services.

Prepared by: William J. Streur, Deputy Commissioner Phone 907-269-7827  
Division Health Care Services Date/Time 2/10/09 12:00 AM  
Approved by: Alison Elgee, Assistant Commissioner Date 2/11/2009  
DHSS Finance Management Services

# Alaska State Legislature

Senator Bettye Davis, Chair  
State Capitol, Room 30  
Juneau, Alaska 99801  
Phone: (907) 465-3822  
Fax: (907) 465-3756



Committee Members:  
Senator Johnny Ellis  
Senator Joe Thomas  
Senator Joe Paskvan  
Senator Fred Dyson

## Senate Health & Social Services Committee

### MEMORANDUM

Date: 2/11/09

To: Senate Secretary's Office

From: Senator Bettye Davis

BD

Re: Notice of Meeting

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Monday February 16th, Capital Building  
Butrovich Room #205  
1:30 p.m. to 3:00 p.m.

State Holiday – no meeting scheduled

Tuesday, February 17<sup>th</sup>, Capital Building  
Room # 106  
3:00 p.m. to 5:00 p.m.

Joint House & Senate H&SS committee meeting  
+Presentation by U.S. Preventative Medicine

Wednesday February 18th, Capital Building  
Butrovich Room #205  
1:30 p.m. to 3:00 p.m.

+SB 10 Medicaid/Ins For Cancer Clinical Trials  
+BPH

Friday, February 20th, Capital Building  
Butrovich Room # 205  
1:30 p.m. to 3:00 p.m.

+Presentation by Alaska Native Tribal Health Consortium  
+ BPH

*tentative  
SB 52,  
"Salvia divinorum  
as Controlled Substance"*

**Thomas Obermeyer**

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**From:** Thomas Obermeyer  
**Sent:** Friday, February 13, 2009 9:21 AM  
**To:** 'Jeanne Anderson'; Emily.Nenon@cancer.org; Tammy@hotsheet.com; Latha Subramanian; mstewartonc@yahoo.com; Doug Debenham; muffz326@aol.com; Wooley, Beverly K (HSS); Rangitsch, Krista  
**Cc:** Sen. Bettye Davis; Lynda Zaugg; Don Burrell; Richard Benavides  
**Subject:** RE: CS for SB 10 and memo

Dr. Anderson,

Linda Zaugg, Senate HSS Committee Aide to Senator Davis, [Linda\\_Zaugg@legis.state.ak.us](mailto:Linda_Zaugg@legis.state.ak.us), would appreciate knowing in advance those doctors and others who wish to testify on Wednesday, February 18, 2009 at 1:30-3:00 pm. All Senate HSS meetings are from 1:30-3:00 pm. The hearing schedule is already posted on "BASIS," on the Legislature web site. SB 10 is the first bill to be heard and likely will be given as much time as needed, although there may be another item on the agenda as well. If the hearing runs over, it could be continued to another day.

If you wish to have the physicians testify first, e-mail the request to Linda Zaugg, [Linda\\_Zaugg@legis.state.ak.us](mailto:Linda_Zaugg@legis.state.ak.us), who will ask Senator Davis to accommodate this request. They can call in after 1:30, and a communications person at the hearing will receive notice by computer of people on the phone and hand a new list to Linda who will forward their presence to Senator Davis. Be sure when physicians call in they identify themselves as doctors. When called upon to testify, they will be asked their name and affiliation or organization.

Senator Davis often asks to the Department (DHSS) to comment before testimony of constituents, but physicians, as experts may wish to testify both before and after Departmental comments, or stay on line to explain misunderstandings in the bill. This testimony will be recorded and useful in the next hearings in Labor & Commerce and Finance. So the best effort is needed in this first hearing if possible.

Keep in mind that rather than a teleconference call to 888-295-4546, physicians and/or patients or parties of interest who wish to testify in Anchorage could meet at the Legislative Information Office (LIO) in Anchorage at 716 W. 4<sup>th</sup> Avenue, 2<sup>nd</sup> floor conference room, which is already set up with microphones and aides to assist in communications. Make sure you understand operation and use of the on/off buttons on the microphones. The LIO phone number is 269-0111. Parking is available at the Legislature parking lot on 4<sup>th</sup> & H, and parking permits are available either by the guard at the front door or at the LIO office on the 2<sup>nd</sup> floor.

As a last comment, it would be helpful to have one or two doctors and/or others testify in person at the hearing on the 2<sup>nd</sup> floor of the Capitol, Room 205. This adds weight and urgency to the need for cancer clinical trials. You may also want to have contacts from your oncology and cancer society organizations, or peers from other states which conduct cancer clinical trials testify telephonically.

Tom Obermeyer  
[Thomas\\_Obermeyer@legis.state.ak.us](mailto:Thomas_Obermeyer@legis.state.ak.us)

Phone: 465-3762

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**From:** Jeanne Anderson [mailto:JeanneAnderson@katmaioncology.com]  
**Sent:** Thursday, February 12, 2009 1:09 PM  
**To:** Thomas Obermeyer; Emily.Nenon@cancer.org; Tammy@hotsheet.com; Latha Subramanian; mstewartonc@yahoo.com; Doug Debenham; muffz326@aol.com; Wooley, Beverly K (HSS); Rangitsch, Krista  
**Subject:** RE: CS for SB 10 and memo

Tom-  
 A few questions about the logistics of the hearing:

1. Do you need a list, in advance, of names of people who are going to call in?
  2. Can we have the physicians who call in testify first (or at the time they call, if they call later than 1:30)? I think we may have 4 physicians calling in (I don't think they will be in person).
  3. How long do you expect the hearing to last?
- Jeanne

Jeanne E. Anderson, M.D.  
Katmai Oncology Group, LLC  
3851 Piper Street, Suite U340  
Anchorage, AK 99508-4627  
tel (907) 562-0321  
fax (907) 562-2683  
[jea@katmaioncology.com](mailto:jea@katmaioncology.com)

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**From:** Thomas Obermeyer [[mailto:Thomas\\_Obermeyer@legis.state.ak.us](mailto:Thomas_Obermeyer@legis.state.ak.us)]  
**Sent:** Monday, February 09, 2009 8:55 AM  
**To:** Jeanne Anderson; [Emily.Nenon@cancer.org](mailto:Emily.Nenon@cancer.org); [Tammy@hotsheet.com](mailto:Tammy@hotsheet.com); Latha Subramanian; [mstewartonc@yahoo.com](mailto:mstewartonc@yahoo.com); Doug Debenham; [muffz326@aol.com](mailto:muffz326@aol.com); Wooley, Beverly K (HSS)  
**Subject:** RE: CS for SB 10 and memo

Dr. Anderson,

I would prefer to have currently dated letters or written testimony, even if from last year, and if from professional offices, on letterhead if possible. This helps show the earnest interest of the parties and their affiliations. However, if I do not receive currently dated letters or written testimony, I will use last year's. Please be sure to have people testify by teleconference or in person if they are in Juneau. The call-in number is 888-295-4546.

Tom Obermeyer  
Office of Senator Bettye Davis, Chair  
Senate HSS Committee  
465-3762  
[Thomas\\_Obermeyer@legis.state.ak.us](mailto:Thomas_Obermeyer@legis.state.ak.us)

State Capitol, Suite 30  
Juneau, AK 99801-1182  
465-3822  
465-3756 fax

---

**From:** Jeanne Anderson [<mailto:JeanneAnderson@katmaioncology.com>]  
**Sent:** Monday, February 09, 2009 8:38 AM  
**To:** [Emily.Nenon@cancer.org](mailto:Emily.Nenon@cancer.org); [Tammy@hotsheet.com](mailto:Tammy@hotsheet.com); Latha Subramanian; [mstewartonc@yahoo.com](mailto:mstewartonc@yahoo.com); Doug Debenham; [muffz326@aol.com](mailto:muffz326@aol.com); Wooley, Beverly K (HSS)  
**Cc:** Thomas Obermeyer  
**Subject:** FW: CS for SB 10 and memo

To all involved-  
Here is the latest draft of the bill. It looks fine to me.

**Note the date, time and instructions for the first hearing, given below.**

Please forward to anyone else who may want to participate.

Mr. Obermeyer-  
Will the written testimony that was submitted last year be included in this year's hearings? Or, should we re-submit testimony, even if identical to last year's?  
-Jeanne

Jeanne E. Anderson, M.D.  
Katmai Oncology Group, LLC  
3851 Piper Street, Suite U340  
Anchorage, AK 99508-4627  
tel (907) 562-0321  
fax (907) 562-2683  
[jea@katmaioncology.com](mailto:jea@katmaioncology.com)

---

**From:** Thomas Obermeyer [[mailto:Thomas\\_Obermeyer@legis.state.ak.us](mailto:Thomas_Obermeyer@legis.state.ak.us)]  
**Sent:** Wednesday, February 04, 2009 8:08 PM  
**To:** Jeanne Anderson  
**Cc:** Lynda Zaugg; Sen. Bettye Davis  
**Subject:** RE: CS for SB 10 and memo

February 4, 2009

Dr. Anderson,

Attached is the latest draft of the clinical trials bill, a **Committee Substitute for Senate Bill 10, 26-LS00731E**, and an accompanying memo from our Legislative Counsel. The drafter incorporated your requested changes with substantive terms in the body of the bill itself instead of including them in a definition section in accordance with the requirements of the Drafting Manual.

**We will be unable to make further changes before the Senate HSS hearing scheduled February 18 at 1:30 pm, but your suggestions and comments are welcome any time in writing. The teleconference number on the date of the hearing is 888-295-4546.**

**Your help in organizing support at the hearing is most important.**

Please notify your peers, local and national organizations, and patients of the hearing and have them call or write in to support the bill or appear in person to testify. If you testify in person or telephonically and provide written copies for the record, please provide the written copies in advance on letterhead, if available, to me and Lynda Zaugg, Senate HSS Committee Aide to Senator Davis. Our fax machine produces a poor quality copy, so I suggest you mail or e-mail written documents, if possible.

Tom Obermeyer  
Office of Senator Bettye Davis  
907-465-3822 office  
907-465-3756 fax  
465-3762 direct line  
[Thomas\\_Obermeyer@legis.state.ak.us](mailto:Thomas_Obermeyer@legis.state.ak.us)

Lynda Zaugg  
465-4906 direct line  
[Lynda\\_Zaugg@legis.state.ak.us](mailto:Lynda_Zaugg@legis.state.ak.us)

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

## MEMORANDUM

February 3, 2009

**SUBJECT:** Insurance coverage for clinical trials (CSSB 10( ));  
Work Order No. 26-LS0073\E)

**TO:** Senator Bettye Davis  
Attn: Thomas Obermeyer

**FROM:** Dennis C. Bailey  
Legislative Counsel

This memo accompanies the blank draft CS you requested and explains the changes made to your request.

You will notice that I have reworked the bill to avoid incorporating substantive terms in the definitions section in accordance with the Drafting Manual. While making these drafting changes, I did not intend to make substantive changes to the bill other than those you requested. Please review the new draft closely to be sure that it reads as intended.

AS 01.10.040(b) provides: "(b) When the words 'includes' or 'including' are used in a law, they shall be construed as though followed by the phrase 'but not limited to.'" Therefore, the change in Item 4 of your request is not necessary.

If I may be of further assistance, please advise.

DCB:ljw  
09-065.ljw

Enclosure

26-LS0073VE  
Bailey  
2/4/09

**CS FOR SENATE BILL NO. 10( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-SIXTH LEGISLATURE - FIRST SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): SENATOR DAVIS**

**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 those clinical trials; relating to experimental procedures under a state**  
6 **plan offered by the Comprehensive Health Insurance Association; and providing for an**  
7 **effective date."**

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

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

10 **Sec. 21.42.410. Coverage for clinical trials related to cancer. (a) A health**  
11 **care insurer that offers, issues for delivery, delivers, or renews a health care insurance**  
12 **plan in the state shall cover routine patient care costs incurred by a patient enrolled in**  
13 **an approved clinical trial related to cancer, including leukemia, lymphoma, and bone**

1 marrow stem cell disorders.

2 (b) The health care insurer is required to provide coverage under this section  
3 only if the patient's treating physician determines that

4 (1) there is no clearly superior noninvestigational treatment alternative;  
5 and

6 (2) available clinical or preclinical data provide a reasonable  
7 expectation that the treatment provided in the clinical trial will be at least as  
8 efficacious as any noninvestigational alternative.

9 (c) The coverage to be provided under (a) of this section must include  
10 payment for the costs of

11 (1) prevention, diagnosis, treatment, and palliative care of cancer;

12 (2) medical care for an approved clinical trial related to cancer that  
13 would otherwise be covered under a health care insurance plan if the medical care  
14 were not in connection with an approved clinical trial related to cancer;

15 (3) items or services necessary to provide an investigational item or  
16 service;

17 (4) the diagnosis or treatment of complications;

18 (5) a drug or device approved by the United States Food and Drug  
19 Administration without regard to whether the United States Food and Drug  
20 Administration approved the drug or device for use in treating a patient's particular  
21 condition, but only to the extent that the drug or device is not paid for by the  
22 manufacturer, distributor, or provider of the drug or device;

23 (6) services necessary to administer a drug or device under evaluation  
24 in the clinical trial; and

25 (7) transportation for the patient that is primarily for and essential to  
26 the medical care.

27 (d) The coverage to be provided under (a) of this section may not include the  
28 cost of

29 (1) a drug or device that is associated with the clinical trial that has not  
30 been approved by the United States Food and Drug Administration;

31 (2) housing, companion expenses, or other nonclinical expenses

1 associated with the clinical trial;

2 (3) an item or service provided solely to satisfy data collection and  
3 analysis and not used in the clinical management of the patient;

4 (4) an item or service excluded from coverage under the patient's  
5 health care insurance plan; and

6 (5) an item or service paid for or customarily paid for through grants or  
7 other funding.

8 (e) The coverage required by this section is subject to the standard policy  
9 provisions applicable to other benefits, including deductible, coinsurance, or  
10 copayment provisions.

11 (f) This section does not apply to a fraternal benefit society.

12 (g) In this section, "approved clinical trial" means a scientific study using  
13 human subjects designed to test and improve prevention, diagnosis, treatment, or  
14 palliative care of cancer, or the safety and effectiveness of a drug, device, or procedure  
15 used in the prevention, diagnosis, treatment, or palliative care of a subject, if the study  
16 is approved by

17 (1) an institutional review board that complies with 45 CFR Part 46;  
18 and

19 (2) one or more of the following:

20 (A) the United States Department of Health and Human  
21 Services, National Institutes of Health, or its institutes or centers;

22 (B) the United States Department of Health and Human  
23 Services, United States Food and Drug Administration;

24 (C) the United States Department of Defense;

25 (D) the United States Department of Veterans' Affairs; or

26 (E) a nongovernmental research entity abiding by current  
27 National Institute of Health guidelines.

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

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

30 (1) care for an injury or disease either

31 (A) arising out of and in the course of an employment subject

1 to a workers' compensation or similar law or where the benefit is available to  
2 be provided under a workers' compensation policy or equivalent self-insurance  
3 to a sole proprietor, business partner, or corporation officer; or

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

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

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

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

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

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

18 (7) services or articles that are not within the scope of the license or  
19 certificate of the institution or individual rendering the services or articles;

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

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

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

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

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

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

31 (14) experimental procedures, except during an approved clinical

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trial; in this paragraph, "approved clinical trial" has the meaning given in AS 21.42.410; and

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

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

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

\* Sec. 4. This Act takes effect January 1, 2010.

**Lynda Zaugg**

---

**From:** Laughlin, Wilda J (HSS) [wilda.laughlin@alaska.gov]  
**Sent:** Wednesday, February 18, 2009 12:02 PM  
**To:** Lynda Zaugg; Fick, Tyson C (CED)  
**Cc:** Sherwood, Jon (HSS)  
**Subject:** Senate HSS SB 10 hearing

This is to let you know that Jon Sherwood, DHSS medical assistance administrator, will be at today's Senate HSS hearing on SB 10 to answer questions if needed. He will not have a statement.

Let me know if you need anything else from me.  
w.

Dept. HSS  
— for questions —  
— will not have a statement —

**SENATE COMMITTEE REPORT**  
**First Committee of Referral**

DATE: 1/21/09

FURTHER: Labor and Commerce  
Finance

Date of 5-Day Notice: \_\_\_\_\_  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 2/20/09

**Health and Social Services Committee** considered SENATE BILL NO. 10

**SB 10 MEDICAID/INS FOR CANCER CLINICAL TRIALS**

"An Act requiring health care insurers to provide insurance coverage for medical care received by a patient during certain approved clinical trials designed to test and improve prevention, diagnosis, treatment, or palliation of cancer; directing the Department of Health and Social Services to provide Medicaid services to persons who participate in those clinical trials; relating to experimental procedures under a state plan offered by the Comprehensive Health Insurance Association; and providing for an effective date."

and recommends:

- be replaced with  SCS or  CS SB 10 (HSS)
- adopt previous  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

<b>SENATE BILL:</b>
<input checked="" type="checkbox"/> Same Title
<input type="checkbox"/> New Title
<b>HOUSE BILL:</b>
<input type="checkbox"/> Same Title
<input type="checkbox"/> Technical Title Change
<input type="checkbox"/> New Title w/ SCR # _____

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet	Zero	FN#
DHS	2/11			✓	
CEO	2/11			✓	

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	ELIS	✓			
<i>[Signature]</i>	THOMAS	✓			
<i>[Signature]</i>	PASKVAN	X			
CHAIR: <i>[Signature]</i>	DAVIS	X			

# FISCAL NOTE

STATE OF ALASKA  
2009 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: SB10  
( ) Publish Date: \_\_\_\_\_

Identifier (file name): SB10-CED-INS-2-4-09  
Title: Medicaid/Insurance for cancer clinical trials  
Sponsor: Senator Davis  
Requester: Senate Health and Social Services  
Dept. Affected: DCCED  
RDU: Insurance (116)  
Component: Insurance  
Component Number: 354

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
<b>OPERATING EXPENDITURES</b>								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
-----------------------------	--	--	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>								
-------------------------------	--	--	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other Interagency Receipts								
<b>TOTAL</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2009) cost: \_\_\_\_\_

**POSITIONS**

Full-time								
Part-time								
Temporary								

**ANALYSIS:** (Attach a separate page if necessary)

This bill requires companies that offer health care insurance in Alaska cover routine patient care costs incurred by a patient enrolled in an approved clinical trial related to cancer. The coverage provided must include the costs of prevention, diagnosis, treatment, and palliative care of cancer. The health care insurer is required to provide coverage under this section only if the patient's treating physician determines that there is no clearly superior non-investigational treatment alternative; and available clinical or preclinical data provide a reasonable expectation that the treatment provided in the clinical trial will be at least as efficacious as any non-investigational alternative.

Prepared by: Linda S. Hall, Director  
Division: Insurance  
Approved by: Emil R. Notti, Commissioner  
Commerce, Community, and Economic Development

Phone 907-269-7900  
Date/Time 2/4/09 10:48 AM  
Date 2/4/2009

## Lynda Zaugg

**From:** mary stewart [mstewartonc@yahoo.com]  
**Sent:** Friday, February 13, 2009 1:08 PM  
**To:** Jeanne Anderson; Emily.Nenon@cancer.org; Tammy@hotsheet.com; Latha Subramanian; Doug Debenham; muffz326@aol.com; Wooley, Beverly K (HSS); Rangitsch, Krista; Thomas Obermeyer  
**Cc:** Sen. Bettye Davis; Lynda Zaugg; Don Burrell; Richard Benavides  
**Subject:** RE: CS for SB 10 and memo

Mr Obermeyer,

I have committments from Dr Michael O'Connell of NSABP (National Surgical Adjuvant Breast Project) to speak at the hearing next week. Also, from our national professional oncology society, ASCO, the president-elect, Dr Doug Blayney, of the University of Michigan, will call in. I have told them both that the meeting starts at 1:30 our time, and I expect they will be calling in at about that time. I can email them to call a little later if you like. Two survivors, Angela Verploeg and Paula Call will testify. I will be phoning in as well, but will not be able to listen to the proceedings continuously.

Mary Stewart

--- On Fri, 2/13/09, Thomas Obermeyer <Thomas\_Obermeyer@legis.state.ak.us> wrote:

> From: Thomas Obermeyer <Thomas\_Obermeyer@legis.state.ak.us>  
> Subject: RE: CS for SB 10 and memo  
> To: "Jeanne Anderson" <JeanneAnderson@katmaioncology.com>,  
> "Emily.Nenon@cancer.org" <Emily.Nenon@cancer.org>,  
> "Tammy@hotsheet.com" <Tammy@hotsheet.com>, "Latha Subramanian"  
> <2006anch@gmail.com>, "mstewartonc@yahoo.com" <mstewartonc@yahoo.com>,  
> "Doug Debenham" <dougdebenham@excite.com>, "muffz326@aol.com"  
> <muffz326@aol.com>, "Wooley, Beverly K (HSS)"  
> <beverly.wooley@alaska.gov>, "Rangitsch, Krista"  
> <Krista.Rangitsch@providence.org>  
> Cc: "Sen. Bettye Davis" <Senator\_Bettye\_Davis@legis.state.ak.us>,  
> "Lynda Zaugg" <Lynda\_Zaugg@legis.state.ak.us>, "Don Burrell"  
> <Don\_Burrell@legis.state.ak.us>, "Richard Benavides"  
> <Richard\_Benavides@legis.state.ak.us>  
> Date: Friday, February 13, 2009, 9:20 AM Dr. Anderson,  
>  
> Linda Zaugg, Senate HSS Committee Aide to Senator Davis,  
> Linda\_Zaugg@legis.state.ak.us<mailto:Linda\_Zaugg@legis.state.ak.us>,  
> would appreciate knowing in advance those doctors and others who wish  
> to testify on Wednesday, February 18, 2009 at  
> 1:30-3:00 pm. All Senate HSS meetings are from 1:30-3:00  
> pm. The hearing schedule is already posted on "BASIS," on the  
> Legislature web site. SB 10 is the first bill to be heard and likely  
> will be given as much time as needed, although there may be another  
> item on the agenda as well. If the hearing runs over, it could be  
> continued to another day.  
>  
> If you wish to have the physicians testify first, e-mail the request  
> to Linda Zaugg,  
> Linda\_Zaugg@legis.state.ak.us<mailto:Linda\_Zaugg@legis.state.ak.us>,  
> who will ask Senator Davis to accommodate this request. They can call  
> in after 1:30, and a communications person at the hearing will receive  
> notice by computer of people on the phone and hand a new list to Linda  
> who will forward their presence to Senator Davis. Be sure when  
> physicians call in they identify themselves as doctors. When called  
> upon to testify, they will be asked their name and affiliation or  
> organization.  
>  
> Senator Davis often asks to the Department (DHSS) to comment before  
> testimony of constituents, but physicians, as experts may wish to  
> testify both before and after Departmental comments, or stay on line

> to explain misunderstandings in the bill. This testimony will  
> recorded and useful in the next hearings in Labor & Commerce and  
> Finance. So the best effort is needed in this first hearing if  
> possible.  
>  
> Keep in mind that rather than a teleconference call to 888-295-4546,  
> physicians and/or patients or parties of interest who wish to testify  
> in Anchorage could meet at the Legislative Information Office (LIO) in  
> Anchorage at 716 W.  
> 4th Avenue, 2nd floor conference room, which is already set up with  
> microphones and aides to assist in communications.  
> Make sure you understand operation and use of the on/off  
> buttons on the microphones. The LIO phone number is  
> 269-0111. Parking is available at the Legislature parking lot on 4th  
> & H, and parking permits are available either by the guard at the  
> front door or at the LIO office on the 2nd floor.  
>  
> As a last comment, it would be helpful to have one or two doctors  
> and/or others testify in person at the hearing on the 2nd floor of the  
> Capitol, Room 205. This adds weight and urgency to the need for  
> cancer clinical trials. You may also want to have contacts from your  
> oncology and cancer society organizations, or peers from other states  
> which conduct cancer clinical trials testify telephonically.

> Tom Obermeyer  
> Thomas\_Obermeyer@legis.state.ak.us<mailto:Thomas\_Obermeyer@legis.state  
> .ak.us>  
>  
> Phone: 465-3762  
>  
>

---

> From: Jeanne Anderson  
> [mailto:JeanneAnderson@katmaioncology.com]  
> Sent: Thursday, February 12, 2009 1:09 PM  
> To: Thomas Obermeyer; Emily.Nenon@cancer.org; Tammy@hotsheet.com;  
> Latha Subramanian; mstewartonc@yahoo.com; Doug Debenham;  
> muffz326@aol.com; Wooley, Beverly K (HSS); Rangitsch, Krista  
> Subject: RE: CS for SB 10 and memo  
>

> Tom-  
> A few questions about the logistics of the hearing:  
> 1. Do you need a list, in advance, of names of people who are going to  
> call in?  
> 2. Can we have the physicians who call in testify first (or at the  
> time they call, if they call later than 1:30)? I think we may have 4  
> physicians calling in (I don't think they will be in person).  
> 3. How long do you expect the hearing to last?  
> -Jeanne  
>

> Jeanne E. Anderson, M.D.  
> Katmai Oncology Group, LLC  
> 3851 Piper Street, Suite U340  
> Anchorage, AK 99508-4627  
> tel (907) 562-0321  
> fax (907) 562-2683  
> jea@katmaioncology.com<mailto:jea@katmaioncology.com>  
>

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> From: Thomas Obermeyer  
> [mailto:Thomas\_Obermeyer@legis.state.ak.us]  
> Sent: Monday, February 09, 2009 8:55 AM  
> To: Jeanne Anderson; Emily.Nenon@cancer.org; Tammy@hotsheet.com; Latha  
> Subramanian; mstewartonc@yahoo.com; Doug Debenham; muffz326@aol.com;  
> Wooley, Beverly K (HSS)  
> Subject: RE: CS for SB 10 and memo  
>  
> Dr. Anderson,  
>

> I would prefer to have currently dated letters or written testimony,  
> even if from last year, and if from professional offices, on  
> letterhead if possible. This helps show the earnest interest of the  
> parties and their affiliations.  
> However, if I do not receive currently dated letters or  
> written testimony, I will use last year's. Please be  
> sure to have people testify by teleconference or in person if they are  
> in Juneau. The call-in number is 888-295-4546.

>  
> Tom Obermeyer  
> Office of Senator Bettye Davis, Chair  
> Senate HSS Committee  
> 465-3762  
> Thomas\_Obermeyer@legis.state.ak.us<mailto:Thomas\_Obermeyer@legis.state  
> .ak.us>

>  
> State Capitol, Suite 30  
> Juneau, AK 99801-1182  
> 465-3822  
> 465-3756 fax

>  
> \_\_\_\_\_  
> From: Jeanne Anderson  
> [mailto:JeanneAnderson@katmaioncology.com]  
> Sent: Monday, February 09, 2009 8:38 AM  
> To: Emily.Nenon@cancer.org; Tammy@hotsheet.com; Latha Subramanian;  
> mstewartonc@yahoo.com; Doug Debenham; muffz326@aol.com; Wooley,  
> Beverly K (HSS)  
> Cc: Thomas Obermeyer  
> Subject: FW: CS for SB 10 and memo

>  
> To all involved-  
> Here is the latest draft of the bill. It looks fine to me.  
>  
> Note the date, time and instructions for the first hearing, given  
> below.

> Please forward to anyone else who may want to participate.

>  
> Mr. Obermeyer-  
> Will the written testimony that was submitted last year be included in  
> this year's hearings? Or, should we re-submit testimony, even if  
> identical to last year's?  
> -Jeanne

>  
> Jeanne E. Anderson, M.D.  
> Katmai Oncology Group, LLC  
> 3851 Piper Street, Suite U340  
> Anchorage, AK 99508-4627  
> tel (907) 562-0321  
> fax (907) 562-2683  
> jea@katmaioncology.com<mailto:jea@katmaioncology.com>

> \_\_\_\_\_  
> From: Thomas Obermeyer  
> [mailto:Thomas\_Obermeyer@legis.state.ak.us]  
> Sent: Wednesday, February 04, 2009 8:08 PM  
> To: Jeanne Anderson  
> Cc: Lynda Zaugg; Sen. Bettye Davis  
> Subject: RE: CS for SB 10 and memo

>  
> February 4, 2009

>  
> Dr. Anderson,

>  
> Attached is the latest draft of the clinical trials bill, a Committee  
> Substitute for Senate Bill 10, 26-LS0073\E,

SB10  
**Lynda Zaugg**

**From:** Jeanne Anderson [JeanneAnderson@katmaioncology.com]  
**Sent:** Sunday, February 15, 2009 7:15 AM  
**To:** Thomas Obermeyer  
**Cc:** Lynda Zaugg; Sen. Bettye Davis  
**Subject:** RE: CS for SB 10 and memo

Tom-

I also want you and Senator Davis to know that, although I cannot attend in person, I will be on the phone during the entire hearing. So, I will be available to help answer questions and clarify issues during the hearing, if any arise.

Thank you, again, for your support.  
 -Jeanne

Jeanne E. Anderson, M.D.  
 Katmai Oncology Group, LLC  
 3851 Piper Street, Suite U340  
 Anchorage, AK 99508-4627  
 tel (907) 562-0321  
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[jea@katmaioncology.com](mailto:jea@katmaioncology.com)

**From:** Thomas Obermeyer [mailto:Thomas\_Obermeyer@legis.state.ak.us]  
**Sent:** Saturday, February 14, 2009 3:53 PM  
**To:** Jeanne Anderson  
**Cc:** Lynda Zaugg; Sen. Bettye Davis  
**Subject:** RE: CS for SB 10 and memo

Dr. Ancerson,  
 Thank you for the written testimony. It is very important and detailed. I will ask Lynda Zaugg to include it in the committee packages or hand it out to committee members at the hearing.

Tom Obermeyer

**From:** Jeanne Anderson [mailto:JeanneAnderson@katmaioncology.com]  
**Sent:** Saturday, February 14, 2009 11:29 AM  
**To:** Thomas Obermeyer  
**Cc:** Sen. Bettye Davis; Lynda Zaugg; Don Burrell; Richard Benavides; mstewartonc@yahoo.com; Rangitsch, Krista  
**Subject:** RE: CS for SB 10 and memo

I have attached the written testimony that I will be giving by phone on Wed, 2/18. Unfortunately, I cannot attend in person.

I have also attached an update of the position paper from the Denali Oncology Group regarding the bill. Can you please use this document as written testimony also?

In addition to the names of people that Dr. Mary Stewart sent to Linda Zaugg yesterday, I expect there will be a few additional patients who call in, although I don't have an exact list. A research nurse, Krista Rangitsch will be calling in, too.

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[jea@katmaioncology.com](mailto:jea@katmaioncology.com)

---

**From:** Thomas Obermeyer [[mailto:Thomas\\_Obermeyer@legis.state.ak.us](mailto:Thomas_Obermeyer@legis.state.ak.us)]  
**Sent:** Friday, February 13, 2009 9:21 AM  
**To:** Jeanne Anderson; [Emily.Nenon@cancer.org](mailto:Emily.Nenon@cancer.org); [Tammy@hotsheet.com](mailto:Tammy@hotsheet.com); Latha Subramanian;  
[mstewartonc@yahoo.com](mailto:mstewartonc@yahoo.com); Doug Debenham; [muffz326@aol.com](mailto:muffz326@aol.com); Wooley, Beverly K (HSS); Rangitsch, Krista  
**Cc:** Sen. Bettye Davis; Lynda Zaugg; Don Burrell; Richard Benavides  
**Subject:** RE: CS for SB 10 and memo

Dr. Anderson,

Linda Zaugg, Senate HSS Committee Aide to Senator Davis, [Linda\\_Zaugg@legis.state.ak.us](mailto:Linda_Zaugg@legis.state.ak.us), would appreciate knowing in advance those doctors and others who wish to testify on Wednesday, February 18, 2009 at 1:30-3:00 pm. All Senate HSS meetings are from 1:30-3:00 pm. The hearing schedule is already posted on "BASIS," on the Legislature web site. SB 10 is the first bill to be heard and likely will be given as much time as needed, although there may be another item on the agenda as well. If the hearing runs over, it could be continued to another day.

If you wish to have the physicians testify first, e-mail the request to Linda Zaugg, [Linda\\_Zaugg@legis.state.ak.us](mailto:Linda_Zaugg@legis.state.ak.us), who will ask Senator Davis to accommodate this request. They can call in after 1:30, and a communications person at the hearing will receive notice by computer of people on the phone and hand a new list to Linda who will forward their presence to Senator Davis. Be sure when physicians call in they identify themselves as doctors. When called upon to testify, they will be asked their name and affiliation or organization.

Senator Davis often asks to the Department (DHSS) to comment before testimony of constituents, but physicians, as experts may wish to testify both before and after Departmental comments, or stay on line to explain misunderstandings in the bill. This testimony will be recorded and useful in the next hearings in Labor & Commerce and Finance. So the best effort is needed in this first hearing if possible.

Keep in mind that rather than a teleconference call to 888-295-4546, physicians and/or patients or parties of interest who wish to testify in Anchorage could meet at the Legislative Information Office (LIO) in Anchorage at 716 W. 4<sup>th</sup> Avenue, 2<sup>nd</sup> floor conference room, which is already set up with microphones and aides to assist in communications. Make sure you understand operation and use of the on/off buttons on the microphones. The LIO phone number is 269-0111. Parking is available at the Legislature parking lot on 4<sup>th</sup> & H, and parking permits are available either by the guard at the front door or at the LIO office on the 2<sup>nd</sup> floor.

As a last comment, it would be helpful to have one or two doctors and/or others testify in person at the hearing on the 2<sup>nd</sup> floor of the Capitol, Room 205. This adds weight and urgency to the need for cancer clinical trials. You may also want to have contacts from your oncology and cancer society organizations, or peers from other states which conduct cancer clinical trials testify telephonically.

Tom Obermeyer  
[Thomas\\_Obermeyer@legis.state.ak.us](mailto:Thomas_Obermeyer@legis.state.ak.us)

Phone: 465-3762

**Lynda Zaugg**


---

**From:** Jeanne Anderson [JeanneAnderson@katmaioncology.com]  
**Sent:** Saturday, February 14, 2009 11:29 AM  
**To:** Thomas Obermeyer  
**Cc:** Sen. Bettye Davis; Lynda Zaugg; Don Burrell; Richard Benavides; mstewartonc@yahoo.com; Rangitsch, Krista  
**Subject:** RE: CS for SB 10 and memo  
**Attachments:** SB 10 Testimony 2-18-09.doc; Proposal for insurance coverage clinical trials 2-14-09.doc

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**Cc:** Sen. Bettye Davis; Lynda Zaugg; Don Burrell; Richard Benavides  
**Subject:** RE: CS for SB 10 and memo

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interest who wish to testify in Anchorage could meet at the Legislative Information Office (LIO) in Anchorage at 716 W. 4<sup>th</sup> Avenue, 2<sup>nd</sup> floor conference room, which is already set up with microphones and aides to assist in communications. Make sure you understand operation and use of the on/off buttons on the microphones. The LIO phone number is 269-0111. Parking is available at the Legislature parking lot on 4<sup>th</sup> & H, and parking permits are available either by the guard at the front door or at the LIO office on the 2<sup>nd</sup> floor.

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Tom Obermeyer  
[Thomas\\_Obermeyer@legis.state.ak.us](mailto:Thomas_Obermeyer@legis.state.ak.us)

Phone: 465-3762

Lynda Zaugg

SB 10

**From:** mary stewart [mstewartonc@yahoo.com]  
**Sent:** Friday, February 13, 2009 5:18 PM  
**To:** Thomas Obermeyer  
**Cc:** Lynda Zaugg; Sen. Bettye Davis; Don Burrell  
**Subject:** RE: CS for SB 10 and memo

Dear Mr Obermeyer,  
Dr Verneeda Spencer will also be calling in to give testimony re SB 10.  
Thanks for all your work.  
Mary Stewart, MD

--- On Fri, 2/13/09, Thomas Obermeyer <Thomas\_Obermeyer@legis.state.ak.us> wrote:

> From: Thomas Obermeyer <Thomas\_Obermeyer@legis.state.ak.us>  
> Subject: RE: CS for SB 10 and memo  
> To: "mstewartonc@yahoo.com" <mstewartonc@yahoo.com>  
> Cc: "Lynda Zaugg" <Lynda\_Zaugg@legis.state.ak.us>, "Sen. Bettye Davis"  
> <Senator\_Bettye\_Davis@legis.state.ak.us>, "Don Burrell"  
> <Don\_Burrell@legis.state.ak.us>  
> Date: Friday, February 13, 2009, 1:37 PM Dear Dr. Stewart,  
>  
> Thank you for this information. I am forwarding this information to  
> Lynda Zaugg, and hope that Lynda, as Committee Aide organizing the  
> hearing, will be kept apprised of any additional testimony as well.  
> In my view, the more people testifying on behalf of SB 10 the better.  
> Their knowledge and experience is very valuable.

> Tom Obermeyer  
> Legislative Assistant  
> Office of Senator Davis

> -----Original Message-----

> From: mary stewart [mailto:mstewartonc@yahoo.com]  
> Sent: Friday, February 13, 2009 1:08 PM  
> To: Jeanne Anderson; Emily.Nenon@cancer.org; Tammy@hotsheet.com; Latha  
> Subramanian; Doug Debenham; muffz326@aol.com; Wooley, Beverly K (HSS);  
> Rangitsch, Krista; Thomas Obermeyer  
> Cc: Sen. Bettye Davis; Lynda Zaugg; Don Burrell; Richard Benavides  
> Subject: RE: CS for SB 10 and memo

> Mr Obermeyer,  
> I have committments from Dr Michael O'Connell of NSABP (National  
> Surgical Adjuvant Breast Project) to speak at the hearing next week.  
> Also, from our national professional oncology society, ASCO, the  
> president-elect, Dr Doug Blayney, of the University of Michigan, will  
> call in. I have told them both that the meeting starts at 1:30 our  
> time, and I expect they will be calling in at about that time. I can  
> email them to call a little later if you like. Two survivors, Angela  
> Verploeg and Paula Call will testify. I will be phoning in as well,  
> but will not be able to listen to the proceedings continuously.  
> Mary Stewart

> --- On Fri, 2/13/09, Thomas Obermeyer  
> <Thomas\_Obermeyer@legis.state.ak.us> wrote:

> > From: Thomas Obermeyer  
> <Thomas\_Obermeyer@legis.state.ak.us>  
> > Subject: RE: CS for SB 10 and memo

> > To: "Jeanre Anderson"  
 > <JeanneAnderson@katmaioncology.com>,  
 > "Emily.Nenon@cancer.org"  
 > <Emily.Nenon@cancer.org>,  
 > "Tammy@hotsheet.com" <Tammy@hotsheet.com>, "Latha Subramanian"  
 > <2006anch@gmail.com>, "mstewartonc@yahoo.com"  
 > <mstewartonc@yahoo.com>, "Doug Debenham"  
 > <dougdebenham@excite.com>,  
 > "muffz326@aol.com" <muffz326@aol.com>, "Wooley, Beverly K (HSS)"  
 > <beverly.wooley@alaska.gov>, "Rangitsch, Krista"  
 > <Krista.Rangitsch@providence.org>  
 > > Cc: "Sen. Bettye Davis"  
 > <Senator\_Bettye\_Davis@legis.state.ak.us>, "Lynda Zaugg"  
 > <Lynda\_Zaugg@legis.state.ak.us>, "Don Burrell"  
 > <Don\_Burrell@legis.state.ak.us>, "Richard Benavides"  
 > <Richard\_Benavides@legis.state.ak.us>  
 > > Date: Friday, February 13, 2009, 9:20 AM Dr. Anderson,  
 > >  
 > > Linda Zaugg, Senate HSS Committee Aide to Senator  
 > Davis,  
 > >  
 > Linda\_Zaugg@legis.state.ak.us<mailto:Linda\_Zaugg@legis.state.ak.us>,  
 > > would appreciate knowing in advance those doctors and  
 > others  
 > > who wish to testify on Wednesday, February 18, 2009 at  
 > > 1:30-3:00 pm. All Senate HSS meetings are from  
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 > much  
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 > > another day.  
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 > > If you wish to have the physicians testify first,  
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 > Linda\_Zaugg@legis.state.ak.us<mailto:Linda\_Zaugg@legis.state.ak.us>,  
 > > who will ask Senator Davis to accommodate this  
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 > > can call in after 1:30, and a communications person at  
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 > > Senator Davis often asks to the Department (DHSS) to comment before  
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 > > comments, or stay on line to explain misunderstandings in the bill.  
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 > > Labor  
 > &  
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> in this  
> > first hearing if possible.  
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> > Keep in mind that rather than a teleconference call to 888-295-4546,  
> > physicians and/or patients or parties of interest who wish to  
> > testify in Anchorage could meet  
> at the  
> > Legislative Information Office (LIO) in Anchorage at  
> 716 W.  
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> > 2nd floor.  
> >  
> > As a last comment, it would be helpful to have one or  
> two  
> > doctors and/or others testify in person at the hearing  
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> > the 2nd floor of the Capitol, Room 205. This adds  
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> > and urgency to the need for cancer clinical trials.  
> You may  
> > also want to have contacts from your oncology and  
> cancer  
> > society organizations, or peers from other states  
> which  
> > conduct cancer clinical trials testify telephonically.  
> >  
> > Tom Obermeyer  
> >  
> Thomas\_Obermeyer@legis.state.ak.us<mailto:Thomas\_Obermeyer@legis.state  
> .ak.us>  
> >  
> > Phone: 465-3762  
> >  
> >  
> > \_\_\_\_\_  
> > From: Jeanne Anderson  
> > [mailto:JeanneAnderson@katmaioncology.com]  
> > Sent: Thursday, February 12, 2009 1:09 PM  
> > To: Thomas Obermeyer; Emily.Nenon@cancer.org; Tammy@hotsheet.com;  
> > Latha Subramanian; mstewartonc@yahoo.com; Doug Debenham;  
> muffz326@aol.com;  
> > Wooley, Beverly K (HSS); Rangitsch, Krista  
> > Subject: RE: CS for SB 10 and memo  
> >  
> > Tom-  
> > A few questions about the logistics of the hearing:  
> > 1. Do you need a list, in advance, of names of people  
> who  
> > are going to call in?  
> > 2. Can we have the physicians who call in testify  
> first (or  
> > at the time they call, if they call later than 1:30)?  
> I  
> > think we may have 4 physicians calling in (I don't  
> think  
> > they will be in person).

> > 3. How long do you expect the hearing to last?  
> > -Jeanne  
> >  
> > Jeanne E. Anderson, M.D.  
> > Katmai Oncology Group, LLC  
> > 3851 Piper Street, Suite U340  
> > Anchorage, AK 99508-4627  
> > tel (907) 562-0321  
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> > jea@katmaioncology.com<mailto:jea@katmaioncology.com>  
> >  
> > \_\_\_\_\_  
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> > [mailto:Thomas\_Obermeyer@legis.state.ak.us]  
> > Sent: Monday, February 09, 2009 8:55 AM  
> > To: Jeanne Anderson; Emily.Nenon@cancer.org; Tammy@hotsheet.com;  
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> > Wooley, Beverly K (HSS)  
> > Subject: RE: CS for SB 10 and memo  
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> > Dr. Anderson,  
> >  
> > I would prefer to have currently dated letters or  
> > written  
> > testimony, even if from last year, and if from  
> > professional  
> > offices, on letterhead if possible. This helps show  
> > the  
> > earnest interest of the parties and their  
> > affiliations.  
> > However, if I do not receive currently dated letters  
> > or  
> > written testimony, I will use last year's.  
> > Please be  
> > sure to have people testify by teleconference or in  
> > person  
> > if they are in Juneau. The call-in number is  
> > 888-295-4546.  
> >  
> > Tom Obermeyer  
> > Office of Senator Bettye Davis, Chair Senate HSS Committee  
> > 465-3762  
> >  
> > Thomas\_Obermeyer@legis.state.ak.us<mailto:Thomas\_Obermeyer@legis.state  
> > .ak.us>  
> >  
> > State Capitol, Suite 30  
> > Juneau, AK 99801-1182  
> > 465-3822  
> > 465-3756 fax  
> >  
> >  
> > \_\_\_\_\_  
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> > mstewartonc@yahoo.com; Doug Debenham; muffz326@aol.com; Wooley,  
> > Beverly K (HSS)  
> > Cc: Thomas Obermeyer  
> > Subject: FW: CS for SB 10 and memo  
> >  
> > To all involved-  
> > Here is the latest draft of the bill. It looks fine  
> > to me.  
> >

> > Note the date, time and instructions for the first  
> hearing,  
> > given below.  
> >  
> > Please forward to anyone else who may want to  
> participate.  
> >  
> > Mr. Obermeyer-  
> > Will the written testimony that was submitted last  
> year be  
> > included in this year's hearings? Or, should we re-submit  
> > testimony, even if identical to last  
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> > -Jeanne  
> >  
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> >  
> > [jea@katmaioncology.com](mailto:jea@katmaioncology.com)<<mailto:jea@katmaioncology.com>>  
> >  
> > 

---

  
> > From: Thomas Obermeyer  
> > [[mailto:Thomas\\_Obermeyer@legis.state.ak.us](mailto:Thomas_Obermeyer@legis.state.ak.us)]  
> > Sent: Wednesday, February 04, 2009 8:08 PM  
> > To: Jeanne Anderson  
> > Cc: Lynda Zaugg; Sen. Bettye Davis  
> > Subject: RE: CS for SB 10 and memo  
> >  
> > February 4, 2009  
> >  
> > Dr. Anderson,  
> >  
> > Attached is the latest draft of the clinical trials  
> bill, a  
> > Committee Substitute for Senate Bill 10,  
> > 26-LS0073\E,  
> > and an accompanying memo from our Legislative Counsel.  
> > The  
> > drafter incorporated your requested changes with substantive terms  
> > in the body of the bill itself  
> > instead of  
> > including them in a definition section in accordance  
> > with  
> > the requirements of the Drafting Manual.  
> >  
> > We will be unable to make further changes before the  
> > Senate  
> > HSS hearing scheduled February 18 at 1:30 pm, but your suggestions  
> > and comments are welcome any time in  
> > writing.  
> > The teleconference number on the date of the hearing  
> > is  
> > 888-295-4546.  
> >  
> > Your help in organizing support at the hearing is most important.  
> > Please notify your peers, local and national  
> > organizations,  
> > and patients of the hearing and have them call or  
> > write in  
> > to support the bill or appear in person to testify.  
> > If you  
> > testify in person or telephonically and provide  
> > written  
> > copies for the record, please provide the written

> copies in  
> > advance on letterhead, if available, to me and Lynda  
> Zaugg,  
> > Senate HSS Committee Aide to Senator Davis. Our fax  
> machine  
> > produces a poor quality copy, so I suggest you mail or e-mail  
> > written documents, if possible.  
> >  
> > Tom Obermeyer  
> > Office of Senator Bettye Davis  
> > 907-465-3822 office  
> > 907-465-3756 fax  
> > 465-3762 direct line  
> >  
> Thomas\_Obermeyer@legis.state.ak.us<mailto:Thomas\_Obermeyer@legis.state  
> .ak.us>  
> >  
> > Lynda Zaugg  
> > 465-4906 direct line  
> >  
> Lynda\_Zaugg@legis.state.ak.us<mailto:Lynda\_Zaugg@legis.state.ak.us>

**Lynda Zaugg**

---

**From:** Thomas Obermeyer  
**Sent:** Wednesday, February 18, 2009 9:46 AM  
**To:** Lynda Zaugg  
**Cc:** Sen. Bettye Davis; Don Burrell  
**Subject:** drafter Bailey will be available in person on on-line per Sen.Davis's Request

Lynda,

I have confirmed that Dennis Bailey, drafter and legal counsel, will be on line to handle drafting and legal questions at hearing today regarding SB 10.

Please also REMIND SENATOR DAVIS THAT WE WANT TO ADOPT THE COMMITTEE SUBSTITUTE for SB 10, 26-LS0073\E, the "E" version, not the "A" version which was initially read across and available to the public.

Tom

**Lynda Zaugg**

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**From:** Apache [apache@wwwjnu02.legis.state.ak.us]  
**Sent:** Monday, February 16, 2009 1:04 PM  
**To:** LIO Juneau; Peg Warren; Lynda Zaugg  
**Subject:** Teleconference Order Form

**Meeting:** new

**Sponsor and/or Committee Name:** Sen H&SS

**Date of Teleconference:** 2/18/09

**Start Time:** 1:30

**End Time:** 3:00

**Chairing Site:** Capital Building

**Juneau Room:** Butrovich Rom #205

**Testimony:** yes

**Testimony Time Limit:** no time limit

**Executive Session:** no

**Contact Person:** Lynda Zaugg

**Telephone Number:** 907-465-4906

**Email Address:** [lynda\\_zaugg@legis.state.ak.us](mailto:lynda_zaugg@legis.state.ak.us)

**LIO Sites:**

anchorage  
fairbanks

**Other sites may add:** yes

**Offnet Name(s):**

**Subject of meeting and/or Bills on Agenda:**

SB 10 \"Medicaid/Ins For Cancer Clinical Trials\"

CANCER CLINICAL TRIALS FAST FACTS  
DENALI ONCOLOGY GROUP, October 28, 2007

**Frequently Asked Questions (FAQ)**

1. **What is a clinical trial?** A clinical trial is a scientific way of studying a new treatment for a specific disease that may be better and/or safer than existing treatments.
2. **Why are clinical trials necessary?** Without these studies, we can not determine whether a new treatment is safe, effective, and better than existing options.
3. **What types of cancer clinical trials exist?** Trials may be for prevention, early detection, diagnosis, or treatment of cancer. There are also trials for reducing symptoms and improving quality-of-life.
4. **Why would a cancer patient consider participating in a clinical trial?**
  - a. Treatment given on the clinical trial offers the potential for better outcome (e.g. longer life or higher cure rate) than the standard treatment.
  - b. Results of the trial will help improve treatment for future patients.
5. **Is it risky to be on a clinical trial?** There are risks with any type of cancer treatment. Side effects that occur in patients on a clinical trial are monitored very closely and described in paperwork that patients receive (i.e., consent form).
6. **Are clinical trials available in Alaska?** Yes, more than 50 cancer clinical trials are open in Alaska for patients to receive treatment in-state.
7. **Do doctors or patients gain financially from participating in clinical trials?** We only support the conduct of studies where there is no financial gain for patients or physicians. Support is provided by the sponsor of the study to help pay for costs associated with the trial, such as research personnel and regulatory requirements.

**Myths**

1. **"I may receive placebo."** Placebo is rarely used in cancer clinical trials because there is usually an acceptable standard treatment. However, if the standard is to offer no treatment, then the new treatment under investigation will be compared to no treatment (i.e., placebo). Patients will always be informed of the potential to receive placebo.
2. **"I will be a guinea pig."** Patients on clinical trials are treated with respect, receive informed consent, and have all questions answered. They have the right to withdraw from the study at any time without compromising their future care.
3. **"I'm not sick enough for a clinical trial."** Many trials are studying ways to prevent cancer in healthy people at risk for cancer. Other trials are studying ways to improve upon the most common types of treatment used when patients are first diagnosed with cancer.

## **POSITION PAPER ON HEALTH PLAN COVERAGE FOR PATIENT CARE COSTS IN CANCER CLINICAL TRIALS**

Sponsored by the Denali Oncology Group, the Alaska State Affiliate of the American Society of  
Clinical Oncology

February 24, 2008

### **BACKGROUND:**

1. Clinical trials for cancer patients provide state-of-the-art treatment for patients with life-threatening diseases. Cancer patients and their physicians typically look to clinical trials as an option when the investigational treatment offers as much or more benefit than standard treatment.
2. Currently, in Alaska, health plans can exclude coverage for routine patient care costs while a patient with cancer is enrolled on a clinical trial.
3. Since 2000, Medicare has provided coverage for beneficiaries for routine costs associated with cancer clinical trial enrollment.
4. Twenty-three states in the United States have passed legislation or instituted special agreements requiring health plans to pay the cost of routine medical care a patient receives while participating in a clinical trial.
5. Health plans mistakenly think that money is saved by excluding care while patients participate in clinical trials. However, if not enrolled on a clinical trial, these patients will continue to receive conventional therapy. Studies have shown that there are not differences in cost of care for patients enrolled on clinical trials compared with patients on conventional therapy.
6. Results of clinical trials lead to more rational use of cancer treatment and more successful outcomes, resulting in short-term and long-term cost savings.

### **PROPOSED LEGISLATION:**

We propose that the Senate and House of the State of Alaska pass a bill requiring that all health care plans, including Medicaid, cover routine patient care costs for patients enrolled in all phases of clinical trials, including prevention, detection, treatment and palliation (supportive care) of cancer.

### **BENEFITS:**

1. Passage of this bill will remove an important barrier to the participation of patients in cancer clinical trials. It will result in physicians more often recommending patient participation and in patients having greater desire to enroll in clinical trials.
2. Greater participation by Alaskans in cancer clinical trials will result in improved care of our patients in the short- and long-term, improved doctor-patient relationship, increased patient satisfaction with treatment, and increased retention of patients in Alaska for their cancer care.
3. Alaska will be in the forefront in making meaningful progress in providing care for cancer and other life threatening conditions.

## REFERENCES:

1. States That Require Health Plans to Cover Patient Care Costs in Clinical Trials  
<http://www.cancer.gov/clinicaltrials/learning/laws-about-clinical-trial-costs>
2. Clinical Trials and Insurance Coverage - A Resource Guide  
<http://www.cancer.gov/clinicaltrials/learning/insurance-coverage/page1>
3. Coverage of Routine Patient Care Costs in Clinical Trials Position Statement  
[http://www.asco.org/asco/downloads/patient care costs 3.05.pdf](http://www.asco.org/asco/downloads/patient%20care%20costs%203.05.pdf)
4. American Society of Clinical Oncology Response to CMS Town Hall Meeting "The Effect of Coverage and Payment on Clinical Research Study Participation and Retention" September 10, 2007
5. Harris Interactive. *Health Care News*. Vol 1, Issue 3. January 22,200 1.
6. Lara PN, et al: Prospective evaluation of cancer clinical trial accrual patterns: identifying potential barriers to enrollment. *Journal of Clinical Oncology*. 19: 1728-1733,200 1.
7. Lara PN, et al: Evaluation of factors affecting awareness of and willingness to participate in cancer clinical trials. *Journal of Clinical Oncology*. 23:9282-9289,2005.
8. Goldman DP, et al: Incremental treatment costs in National Cancer Institute-sponsored clinical trials. *JAMA*. 289:2970-2977, 2003.
9. Bennett CL, et al: Evaluating the financial impact of clinical trials in oncology: results from a pilot study from the Association of American Cancer Institutes/Northwestern University Clinical Trials Costs and Charges Project. *Journal of Clinical Oncology*. 18:2805-28 10, 2000.
10. Fireman BH: Cost of care for patients in cancer clinical trials. *Journal of the National Cancer Institute*. 92: 136-142, 2000.
11. Wagner JL, et al: Incremental costs of enrolling cancer patients in clinical trials: a population-based study. *Journal of the National Cancer Institute*. 9 1947-853, 1999.
12. Quirk J, et al: Clinical trial costs are similar to and may be less than standard care and inpatient (InPT) charges at an academic medical center (AMC) are similar to major, minor, and non-teaching hospitals. *Proc American Society Clinical Oncology*. 19:433a, (abstr. 1696), 2000.
13. Bennett C L, et al: Evaluating the financial impact of clinical trials in oncology: Results from a pilot study from the Association of American Cancer Institutes/Northwestern University Clinical Trials Costs and Charges Project. *Journal of Clinical Oncology*. 18:2805-10, 2000 .



## **Coverage of Routine Patient Care Costs in Clinical Trials Position Statement**

**Approved by the ASCO Board of Directors, March 2005**

For people with serious or life-threatening illness, like cancer, completely satisfactory or curative treatment often is not available. Those patients are nevertheless able to receive state-of-the-art therapy through high-quality clinical trials, offering not only an important treatment option but an opportunity to advance medical knowledge.

Cancer patients face a number of obstacles to clinical trials enrollment. One of the barriers is the potential denial of third party payment for the routine patient care costs for those enrolled in clinical trials. Historically, payers have denied coverage for care provided in a clinical trial, arguing that such care is "experimental" and therefore not a covered benefit.

### **Current Clinical Trials Coverage**

The American Society of Clinical Oncology (ASCO) and its partners in the patient advocacy community have sought, over the course of more than a decade, to reform clinical trials payment policy in public and private health plans. These efforts have resulted in reforms in Medicare payment policy and in enactment of legislation to ensure clinical trials coverage in more than 20 states.

In 2000, in response to Congressional pressure and cancer community advocacy, the Clinton Administration issued an Executive Memorandum setting a policy for coverage of the routine patient care costs for Medicare beneficiaries enrolled in clinical trials for all diseases.

In addition to action by Medicare, a number of states have enacted legislation that would ensure coverage of routine patient care costs in clinical trials (coverage ranges from cancer clinical trials only to trials for all diseases) by those health plans that are regulated by the state. Some of those states have adopted, either in statute or in implementing regulations, the coverage standards of the Medicare program. In several states without clinical trials coverage mandates, third party payers have entered into voluntary agreements to cover routine costs in clinical trials. States continue to engage in efforts to improve coverage in state plans.

### **ASCO Position**

These federal, state, and private sector initiatives reflect widespread recognition of clinical trials coverage as a critical element of quality cancer care. However, not all of the initiatives meet the standards for coverage endorsed by ASCO, and a significant number of cancer patients remain beyond the reach of these reimbursement reforms. ASCO recommends that every cancer patient should have access to clinical trials under the criteria defined below.

## Standards for Clinical Trials Coverage

*The following ASCO standards should remain the standard for Medicare coverage and should serve as the model for state legislative initiatives, including provisions governing coverage under state-funded programs like Medicaid, as well as mandates for private insurance and managed care plans.*

The cost of medical care provided when a patient with serious or life-threatening disease is entered on a Phase I, II, III, or IV (post-marketing) clinical trial – including hospital, physician, and other health care items and services as well as the cost of approved drugs for labeled or unlabeled uses which might be part of the regimen<sup>1</sup> – should not be denied coverage when all of the following are demonstrated:

- Treatment is provided with a therapeutic intent<sup>2</sup>;
- Treatment is being provided pursuant to a clinical trial approved by one of the National Institutes of Health (NIH), an NIH cooperative group or an NIH center; the Food and Drug Administration (FDA) in the form of an investigational new drug (IND) or new device (IDE) exemption; the Department of Defense; the Department of Veterans Affairs; or a qualified non-governmental research entity as identified in National Cancer Institute guidelines or center support grants;
- The trial is conducted according to a written protocol, which includes the following elements: trial design and scientific justification, criteria for inclusion and exclusion, outcome measures, statistical analysis plan, conflicts and other ethical controls, and publication policy;
- The protocol has undergone scientific review by a group of independent and qualified experts;
- The clinical trial has been reviewed and approved by a qualified institutional review board (IRB);
- The facility and personnel providing the treatment are capable of doing so by virtue of their experience or training;
- There is no non-investigational therapy that is clearly superior to the protocol treatment; and
- The available clinical or preclinical data provide a reasonable expectation that the protocol treatment will be at least as efficacious as non-investigational therapy.<sup>3</sup>

Originally adopted February 1993  
As amended June 1994 and March 2005

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<sup>1</sup> Items and services required by the design of the trial should be covered, except those items or services normally paid for by other funding sources such as the cost of certain investigational drugs, the costs of any non-health services that might be required for a person to receive the treatment, and the costs of managing the research.

<sup>2</sup> Treatment with therapeutic intent may be aimed at improving patient outcome relative to either survival or quality of life.

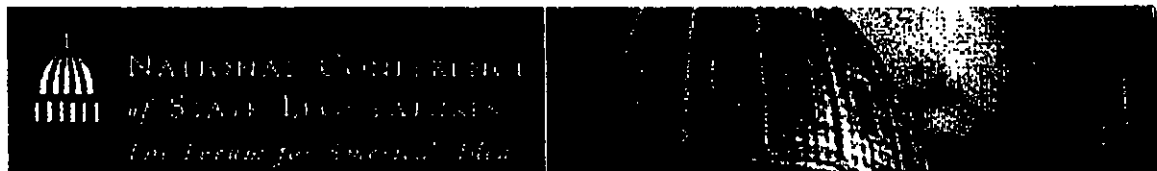
<sup>3</sup> While these standards refer to clinical trials involving “treatment” or “therapy”, the same principles would apply equally to trials of interventions to prevent, rather than treat, diseases.

**Bob Boerner**

**From:** "Dick Cauchi" <dick.cauchi@ncsl.org>  
**To:** "Bob Boerner" <bob.boerner@ncsl.org>  
**Sent:** Thursday, April 03, 2008 2:58 PM  
**Subject:** Clinical Trials What are States Doing 2008

Although it is not possible to provide this live by phone today, the NCSL report provided below is our best information on this topic. Next week Karmen Hanson, our author and expert, may be able to provide additional information or insights.

The online version is located at: <http://www.ncsl.org/programs/health/clinicaltrials.htm>

**NCSL Health Program**

## **Clinical Trials: What are States Doing?**

### **April 2008 Update**

**What is a Clinical Trial?**

A clinical trial is a research study on human patients to test the safety and effectiveness of new treatments. These trials offer patients access to new and potentially life saving drugs and cures.

The dramatic progress made in treating childhood cancers in recent years, is attributable, in part, to clinical trials, because 60 percent of all children with cancer are enrolled in some kind of trial. A ten percent drop in breast cancer mortality for women under the age of 50 is said to be the result of clinical trials research conducted in the 1970's.

**Who Enrolls in Clinical Trials?**

Only two to three percent of eligible adult patients enroll in clinical trials. For cancer patients, clinical trials are often the last resort after exhausting all other approved means of treatment.

**Insurance Coverage for Clinical Trials**

Typically, when a patient enrolls in a clinical trial, the cost of tests, procedures, drugs and any research activity directly associated with the investigation, are covered by the group sponsoring the trial, such as a pharmaceutical company or the National Cancer Institute. However, because some health plans define clinical trials as "experimental" or "investigational," health insurance coverage may or may not include some or all of the costs of "routine patient care," such as the doctor visits, hospital stays, tests and x-rays, that a patient would normally receive whether or not they were enrolled in a trial.

Nevertheless, a growing number of states have passed legislation or instituted special agreements requiring health plans to pay the cost of the routine medical care a patient receives as a participant in a clinical trial.

**Advantages:**

For cancer patients, properly designed and conducted clinical trials represent an important therapeutic option, as well as a critical means of advancing medical knowledge. Lack of insurance coverage is a barrier to patients who might otherwise participate. Sixty percent of patients in one survey cited fear of insurance denial as a major reason for not participating in clinical trials. And finally, a recent study found only a slight increase in treatment costs for adult clinical trial patients compared to nonparticipants--\$35,418 versus \$33,248.

**Disadvantages:**

Even though the same recent study found only a slight increase in treatment costs, the 6.5 percent increase between participants and nonparticipants in clinical trials translated into an additional \$16 million in 1999 spent on treatment costs for the 19,000 adult patients enrolled in National Cancer Institute-sponsored clinical trials. These additional insurance costs, like other mandated benefits and services, may result in higher insurance premium rates, which are often cost-shifted onto workers in the form of higher deductibles and copayments.

**Definitions of Phases:**

A clinical trial study is conducted in four phases.

**Phase I:** Research is conducted on a small group of volunteers (20 to 80 people) for the first time to evaluate its safety, determine a safe dosage range and identify side effects.

**Phase II:** The experimental drug or treatment is given to or a procedure is performed on a larger group of people (100 to 300 individuals) to further measure its effectiveness and safety.

**Phase III:** Further research is conducted to confirm the effectiveness of the drug, treatment or procedure, monitor the side effects, compare commonly used treatments and collect information on safe use. Phase III trials are typically conducted on 1,000 to 3,000 individuals.

**Phase IV:** After the drug, treatment or medical procedure is marketed, investigators continue testing to determine the effects on various populations and whether there are side effects associated with long-term use.

**Summary of State Laws**

Table One provides a summary of the 20 states that have enacted laws regarding mandated coverage of clinical trials.

<b>Table One Clinical Trials Laws April 2006</b>			
<b>State Year of Enactment Bill Number and/or Citation</b>	<b>Who is Required to Pay?</b>	<b>What Services or Benefits are Covered?</b>	<b>Other Key Criteria:</b>
Arizona (2000) Senate Bill 1213 20-2328	Hospital or medical service corporations, benefit insurers, health care service organizations, disability insurers, group disability insurers and accountable health plans	Patient costs associated with participation in Phase I through IV cancer clinical trials.	Trial must be reviewed by an Institutions Review Board in AZ. Health professional must agree to accept reimbursement from insurer as payment in full. Only covers trial when no clearly superior noninvestigational treatment exists. Trial must be in AZ.
California (2000) Senate Bill 37	All California insurers, including Medicaid and other medical assistance programs	Routine patient care costs associated with Phase I through IV cancer clinical trials.	May restrict coverage to services in CA.
Connecticut (2001) Senate Bill 325	Private insurers, individual and group health plans	Routine patient care costs associated with cancer clinical trials.	Prevention trials are covered only in Phase III and only if involve therapeutic intervention.

Public Act 01-171			Insurer may require documentation of the likelihood of therapeutic benefit, informed consent, protocol information and/or summary of costs.
Delaware (2001) Senate Bill 181	Every group of blanket policy, including policies or contracts issued by health service corporations	Routine patient care costs for covered persons engaging in clinical trials for the treatment of life threatening diseases under specified conditions.	Trial must have therapeutic intent and enroll individuals diagnosed with the disease. Trial must not be designed exclusively to test toxicity or disease pathophysiology.
Georgia* (1998) 33-24-59.1	Insurers and the state health plan	Routine patient costs incurred in Phase II and III of prescription drug clinical trial programs for the treatment of children's cancer.	For the treatment of cancer that generally first manifests itself in children under the age of 19.
Illinois (1999) House Bill 1622 (amended 2004) Senate Bill 2339 Public Act No. 93-1000 20 ILCS 1405/56.3**	HMOs and individual/group insurance policies to offer coverage to the applicant or policyholder (2004 amendment: Plans may not be canceled or non renewed based on an individual's participation in a qualified clinical trial)	Routine patient care if the individual participates in an approved Phase II through IV cancer research trial.	Coverage benefit can have annual limit of \$10,000. Trial must be conducted at multiple sites in state. Primary care MD must be involved in coordination of care. Researchers must submit results of trial for publication in nationally recognized scientific literature.
Louisiana (1999) RS 22:230.4	HMOs, PPOs, State Employee Benefits Program and other specified insurers	Patient costs incurred in Phase II through IV cancer clinical trials.	Only covers costs when no clearly superior, noninvestigational approach exists. Available data must support reasonable expectation that the treatment will be as effective as the noninvestigational alternative. Patient must sign an Institutional Review Board-approved consent form.
Maine (2000) 24-A-4310	Managed care organizations and private insurers	Routine patient care costs associated with clinical trial.	Participation must offer meaningful potential for significant clinical benefit. Referring physician must conclude that trial participation is appropriate.
Maryland*** (1998) Chap 146-15-827	Private insurers and other specified managed care organizations.	Patient costs for Phase I through IV cancer treatment, supportive care, early detection, and prevention trials. Phase II through IV for other life-threatening conditions, with Phase I considered on a case-by-case basis.	There is no clearly superior, noninvestigational alternative. The data provide a reasonable expectation that the treatment will be as least as effective as the alternative.
Massachusetts (2002)	All health plans issued or renewed after Jan. 1,	Patient care services associated with all phases of qualified cancer clinical	Insurers must provide payment for services that are consistent with the

<p>Chap 176A Sec 8X</p>	<p>2003</p>	<p>trials.</p>	<p>usual and customary standard of care provided under the trial's protocol and that would be covered if the patient did not participate in the trial.</p>
<p>Missouri (2002) 376.429  (2006)- Phase II SB 567 &amp; 792</p>	<p>All health benefit plans operating in the state</p>	<p>Routine patient care costs as the result of Phase II, III or IV clinical trials for the prevention, early detection, or treatment of cancer.</p>	<p>There must be identical or superior noninvestigational treatment alternatives available before providing clinical trial treatment, and there must be a reasonable expectation that the trial will be superior to the alternatives. Requires coverage of FDA-approved drugs and devices even if they have not been approved for use in treatment of patient's particular condition.</p>
<p>New Hampshire (2000) 415:18</p>	<p>Private insurers and specified managed care plans</p>	<p>Medically necessary routine patient care costs incurred as a result of a treatment for Phase I through IV cancer clinical trial or trial for a life-threatening disease.</p>	<p>Coverage for Phases I or II decided on case-by-case basis. Coverage is required for services needed to administer drug or device under evaluation. Coverage is required for routine patient care associated with drugs or devices which are not subject of trial, as long as they have been approved by FDA.</p>
<p>Nevada (2003) (amended 2005) SB 29 NRS 695G.173</p>	<p>All health insurance insurers, medical service corporations, HMOs and managed care organizations</p>	<p>Patient costs associated with Phase I through IV cancer or chronic fatigue clinical trial</p>	<p>Healthcare facility and personnel must have experience and training to provide the treatment in a capable manner. There must be no medical treatment available which is considered a more appropriate alternative medical treatment than the medical treatment provided in the clinical trial. There must be a reasonable expectation based on clinical data that the medical treatment provided in the clinical trial or study will be at least as effective as any other medical treatment. Amendment revises type of medical treatment covered.</p>
<p>New Mexico (2002) (amended 2004 to delay repeal until July 1, 2009) S9A-22-43</p>	<p>A health insurer; a nonprofit health service provider; a HMO; a managed care organization; a provider service organization; or the state's medical</p>	<p>Routine patient care costs incurred as a result of the patient's participation in a phase II, III or IV cancer clinical trial.</p>	<p>Must be undertaken for the purposes of the prevention of reoccurrence of cancer, early detection or treatment of cancer for which no equally or more effective standard cancer treatment exists. Must not be designed exclusively to</p>

	assistance program.		test toxicity or disease pathophysiology and it has a therapeutic intent. Must be provided as part of a scientific study of a new therapy or intervention and is for the prevention of reoccurrence, early detection, treatment or palliation of cancer in humans and in which includes specific provisions of scientific study.
New Mexico (2001) 59A-22-43	Private insurers, specified managed care plans, and Medicaid and other state medical assistance programs	Routine patient care costs incurred as result of Phase I through IV cancer clinical trial.	Effective through July 1, 2004. Trial must have therapeutic intent. Reasonable expectation that investigational treatment will be at least as effective as standard treatment.
North Carolina (2001) 7 58-3-255	All health insurance plans and teachers' and state employees' comprehensive major medical plan.	Medically necessary costs of health care services associated with Phase II through IV of covered clinical trials.	Patients suffering from a life-threatening disease or chronic condition may designate a specialist who is capable of coordinating their health care needs.
Rhode Island (1994, 1997) 94-S 2623B 97-S 1A am	Private insurers and specified managed care plans	Coverage for new cancer therapies if treatment is provided under Phase II through IV cancer clinical trial.	
Tennessee (2005) HB 837	All health benefit plans	Routine patient care costs related to Phase I through IV cancer clinical trial.	Treatment must involve drug that is exempt under federal regulations from a new drug application, or approved by: NIH, FDA in form of new drug application, DOD, or VA.
Vermont (2001) (amended 2005 to remove March 1, 2005 sunset provision) Chap 107 ? 4088b HB 6	All health insurance policies and health benefit plans, including Medicaid	Routine patient care costs incurred during the participation in a cancer clinical trial.	Providers and insurers required to participate in a cost analysis to determine impact of the program on health insurance premiums. Amended law allows for participation in trial outside of Vermont if patient notifies health benefit plan prior to participation, and no clinical trial is available at Vermont or New Hampshire cancer care providers.
Virginia (1999) ? 38.2-3418.8	Private insurers, specified managed care plans, and public employee health plans	Patient costs incurred during the participation in Phase II through IV cancer clinical trials. Coverage provided on a case-by-case basis for Phase I.	There must be no clearly superior, noninvestigational alternative. Data must provide a reasonable expectation that the treatment will be at least as effective as the alternative.
West Virginia (2003) 79-2-12	Individual and group insurers, health service corporations, health care corporations,	Patient costs associated with the participation in Phase II through IV clinical trial for treatment of life-threatening condition or the	Facility and personnel providing the treatment are capable of doing so by virtue of their experience, training and volume of patients

	<p>HMOs, public employees insurance agency, Medicaid and the children's health insurance program</p>	<p>prevention, early detection and treatment of cancer.</p>	<p>treated to maintain expertise. There must be no clearly superior, noninvestigational treatment alternative. Data provide a reasonable expectation that the treatment will be more effective than the noninvestigational treatment alternative.</p>
<p>Wisconsin AB 617 (2006) Act 194</p>	<p>Any health insurance plan offered by the state, any self-insured plans</p>	<p>Routine patient care costs incurred during the participation in all phases of a cancer clinical trial. No policy, plan, or contract may exclude coverage for the cost of any routine patient care that is administered to an insured in a cancer clinical trial satisfying the criteria under par. (c) and that would be covered under the policy, plan, or contract if the insured were not enrolled in a cancer clinical trial.</p>	<p>Trial must meet all criteria:</p> <ol style="list-style-type: none"> <li>1. The purpose is to test whether the intervention potentially improves the trial participant's health outcomes.</li> <li>2. The treatment provided as part of the trial is given with the intention of improving the trial participant's health outcomes.</li> <li>3. The trial has therapeutic intent and is not designed exclusively to test toxicity or disease pathophysiology.</li> <li>4. The trial does one of the following:             <ol style="list-style-type: none"> <li>a. Tests how to administer a health care service, item, or drug for the treatment of cancer.</li> <li>b. Tests responses to a health care service, item, or drug for the treatment of cancer.</li> <li>c. Compares the effectiveness of health care services, items, or drugs for the treatment of cancer with that of other health care services, items, or drugs for the treatment of cancer.</li> <li>d. Studies new uses of health care services, items, or drugs for the treatment of cancer.</li> </ol> </li> <li>5. The trial is approved by one of the following:             <ol style="list-style-type: none"> <li>a. A National Institute of Health, or one of its cooperative groups or centers, under the federal department of health and human services; federal food and drug administration; federal department of defense; federal department of veterans affairs.</li> </ol> </li> </ol>
<p>Wyoming SF 024 (2008 budget)</p>	<p>All health insurance policies, contracts, and certificates providing</p>	<p>Routine patient care for a person enrolled in a Phases II- IV clinical trial. Includes a medical service or</p>	<p>Trial must also be approved by NIH, FDA, Dept. of Defense, or Dept. of Veterans Affairs. The medical</p>

session)	coverage to any resident of this state.	treatment that is a benefit under a health plan that would be covered if the patient were receiving standard cancer treatment; or a drug provided to a patient during a cancer clinical trial, other than the drug that is the subject of the clinical trial, if the drug has been approved by the federal food and drug administration for use in treating the patient's particular condition.	treatment must be provided by a licensed health care provider operating within the scope of his/her license in a facility whose personnel has the experience and training necessary to provide the treatment in a competent manner. The clinical trial participant must have signed an informed consent document prior to starting the trial.
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\*In 2002, all major insurers in Georgia agreed to cover routine patient care costs associated with Phase I, II, III, or IV cancer clinical trials. Trials include those that involve a drug that is currently exempt under federal regulations from a new drug application or those that are approved by specified federal agencies or a local institutional review board. The agreement also provides for the coverage of cancer screens and examinations in accordance with the most recently published guidelines and recommendations established by any nationally recognized health care organization (see below).

\*\*Illinois Executive Branch Administrative Code (20 ILCS 1405/1405-20) required the Department of Insurance to conduct an analysis and study of costs and benefits derived from the implementation of the coverage requirements for investigational cancer treatments. The study covered the years 2000 through 2002 and included an analysis of the effect of the coverage requirements on the cost of insurance and health care, the results of the treatments to patients, the mortality rate among cancer patients, any improvements in care of patients, and any improvements in the quality of life of patients.

\*\*\*A 2003 Maryland law (S 128) repealed a reporting requirement for insurers, nonprofit health service plans, and HMOs to submit a report that described the trials covered during the previous year.

Sources: National Cancer Institute, Health Policy Tracking Service.

**Summary of Other Actions**

Table Two summarizes the special agreements some states have arranged with insurance companies to voluntarily provide coverage for clinical trials.

State (Year Agreement Became Effective) Web Address of Agreement	Who is Required to Pay?	What Services or Benefits are Covered?	Other Key Criteria:
Georgia (2002) <a href="#">Georgia Cancer Coalition</a>	All major insurers	Routine patient care costs associated with Phase I through IV cancer clinical trials.	Trials include those that involve a drug that is currently exempt under federal regulations from a new drug application or those that are approved by specified federal agencies or a local institutional review board. Provides for the coverage of cancer screens and examinations in accordance with the most recently published guidelines and recommendations established

			by any nationally recognized health care organization.
Michigan (2002) Michigan Consensus Agreement	Private insurance plans, HMOs and Medicaid	Routine patient care costs associated with Phase II and III cancer clinical trials.	Coverage for Phase I trials is under consideration.
New Jersey (1999) New Jersey Consensus Agreement	All Insurers	Routine patient care costs associated with all phases of cancer clinical trials.	
Ohio (1999) Ohio Med Plan	State employees on Ohio Med Plan	Routine patient care costs associated with Phase II and III cancer treatment clinical trials.	Preauthorization is required for clinical trial participation.

**Federal Activity**

In 2000, Medicare began covering beneficiaries patient care costs in clinical trials. While many state Medicaid programs have no legal requirements to cover clinical trials costs, many do cover all or some of the costs.

To legislators and legislative staff: For more information please contact Karmen Hanson at [health-info@ncsl.org](mailto:health-info@ncsl.org)

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## Clinical Trials: What are States Doing? February 2009 Update



### What is a Clinical Trial?

A clinical trial is a research study on human patients to test the safety and effectiveness of new treatments. These trials offer patients access to new and potentially life saving drugs and cures.

The dramatic progress made in treating childhood cancers in recent years, is attributable, in part, to clinical trials, because 60 percent of all children with cancer are enrolled in some kind of trial. A ten percent drop in breast cancer mortality for women under the age of 50 is said to be the result of clinical trials research conducted in the 1970's.

### Who Enrolls in Clinical Trials?

Only two to three percent of eligible adult patients enroll in clinical trials. For cancer patients, clinical trials are often the last resort after exhausting all other approved means of treatment.

Only a small percentage (approximately 20%) of cancer patients are eligible to participate in a clinical trial and very few (approximately 3% of cancer patients and less than 0.5% of Medicare patients) currently enroll. Even if enrollment was increased to the full 20 percent, it is unlikely that these numbers will significantly impact overall costs to health plans;<sup>1</sup>

### Insurance Coverage for Clinical Trials

Typically, when a patient enrolls in a clinical trial, the cost of tests, procedures, drugs and any research activity directly associated with the investigation, are covered by the group sponsoring the trial, such as a pharmaceutical company or the National Cancer Institute.

However, because some health plans define clinical trials as "experimental" or "investigational," health insurance coverage may or may not include some or all of the costs of "routine patient care," such as the doctor visits, hospital stays, tests and x-rays, that a patient would normally receive whether or not they were enrolled in a trial.

A growing number of states have passed legislation or instituted special agreements requiring health plans to pay the cost of the routine medical care a patient receives as a participant in a clinical trial.

### Advantages:

For cancer patients, properly designed and conducted clinical trials represent an important therapeutic option, as well as a critical means of advancing medical knowledge. Lack of insurance coverage is a barrier to patients who might otherwise participate. Sixty percent of patients in one survey cited fear of insurance denial as a major reason for not participating in clinical trials. And finally, a recent study found only a slight increase in treatment costs for adult clinical trial patients compared to nonparticipants--\$35,418 versus \$33,248.<sup>2</sup>

Some large HMOs have computed costs associated with patients in clinical trials. Kaiser Permanente discovered the cost of medical care for enrollees in clinical trials that haven't had bone marrow transplant were no higher than for patients who were not enrolled in a trial. The Kaiser report further states, "Kaiser has been participating in cancer clinical trials without substantial increases in the direct costs of medical care."<sup>3</sup>

Researchers at the Mayo Clinic found that patient care costs for those enrolled in clinical trials is only slightly more than for patients who received standard therapy protocols.<sup>4</sup>

The Institutes of Medicine has also found the following:

- The reimbursement costs are limited to the cost of "standard care" which would be covered if the patient were not enrolled in the trial;<sup>1</sup>

- Only a small percentage (approximately 20%) of cancer patients are eligible to participate in a clinical trial and very few (approximately 3% of cancer patients and less than 0.5% of Medicare patients) currently enroll. Even if enrollment was increased to the full 20 percent, it is unlikely that these numbers will significantly impact overall costs to health plans;<sup>1</sup>

- Through clinical trials, we will be able to identify ineffective treatments, which could save health plans money and will benefit the nation as a whole.<sup>1</sup>

### Disadvantages:

Even though the same recent study found only a slight increase in treatment costs, the 6.5 percent increase between participants and

nonparticipants in clinical trials translated into an additional \$16 million in 1999 spent on treatment costs for the 19,000 adult patients enrolled in National Cancer Institute-sponsored clinical trials.<sup>2</sup> These additional insurance costs, like other mandated benefits and services, may result in higher insurance premium rates, which are often cost-shifted onto workers in the form of higher deductibles and copayments.

For states without insurance mandates, it is possible that some physicians may enroll patients in clinical trials but not inform the patients' insurance companies, bypassing the reimbursement issue for the patient and potentially the physician.<sup>5</sup>

It may also be possible to encourage participation in clinical trials by working within networks of health care providers and industry, research facilities, patient groups, as well as major media outlets, without enacting a state wide insurance mandate.

Sources:

1. Aaron HJ, Gelband H, editors. *Extending Medicare reimbursement in clinical trials*. Washington, DC: National Academy Press; 2000. p 13.
2. Goldman DP, Berry SH, McCabe M, et al. Incremental Treatment Costs in National Cancer Institute-Sponsored Clinical Trials. *JAMA*. 2003;289(22):2970-2977 (doi:10.1001/jama.289.22.2970) <http://jama.ama-assn.org/cgi/reprint/289/22/2970.pdf>
3. Fireman BH, Fehrenbacher L, Gruskin EP, Ray GT. Cost of care for patients in cancer clinical trials. *J Natl Cancer Inst* 2000;92:136-42.
4. Wagner JL, Alberts SR, Sloan JA, et al. Incremental costs of enrolling cancer patients in clinical trials: a population-based study. *J Natl Cancer Inst* 1999;91:847-53.
5. McBride G, More States Mandate Coverage of Clinical Trial Costs, But Does It Make a Difference?, *JNCI Journal of the National Cancer Institute* 2003 95(17):1268-1269; doi:10.1093/jnci/95.17.1268

**Definitions of Phases:**

A clinical trial study is conducted in four phases.

Phase I: Research is conducted on a small group of volunteers (20 to 80 people) for the first time to evaluate its safety, determine a safe dosage range and identify side effects.

Phase II: The experimental drug or treatment is given to or a procedure is performed on a larger group of people (100 to 300 individuals) to further measure its effectiveness and safety.

Phase III: Further research is conducted to confirm the effectiveness of the drug, treatment or procedure, monitor the side effects, compare commonly used treatments and collect information on safe use. Phase III trials are typically conducted on 1,000 to 3,000 individuals.

Phase IV: After the drug, treatment or medical procedure is marketed, investigators continue testing to determine the effects on various populations and whether there are side effects associated with long-term use.

**Summary of State Laws as of December 2008**

Table One provides a summary of the **23 states and District of Columbia** that have enacted laws regarding mandated coverage of clinical trials.

Table One Clinical Trials Laws			
State Year of Enactment Bill Number and/or Citation	Who is Required to Pay?	What Services or Benefits are Covered?	Other Key Criteria:
Arizona (2000) Senate Bill 1213 20-2328	Hospital or medical service corporations, benefit insurers, health care service organizations, disability insurers, group disability insurers and accountable health plans	Patient costs associated with participation in Phase I through IV cancer clinical trials.	Trail must be reviewed by an Institutions Review Board in AZ. Health professional must agree to accept reimbursement from insurer as payment in full. Only covers trial when no clearly superior noninvestigational treatment exists. Trail must be in AZ.

California (2000) <u>Senate Bill 37</u>	All California insurers, including Medicaid and other medical assistance programs	Routine patient care costs associated with Phase I through IV cancer clinical trials.	May restrict coverage to services in CA.
Connecticut (2001) <u>Senate Bill 325</u> <u>Public Act 01-171</u>	Private insurers, individual and group health plans	Routine patient care costs associated with cancer clinical trials.	Prevention trials are covered only in Phase III and only if involve therapeutic intervention. Insurer may require documentation of the likelihood of therapeutic benefit, informed consent, protocol information and/or summary of costs.
Delaware (2001) <u>Senate Bill 181</u>	Every group of blanket policy, including policies or contracts issued by health service corporations	Routine patient care costs for covered persons engaging in clinical trials for the treatment of life threatening diseases under specified conditions.	Trial must have therapeutic intent and enroll individuals diagnosed with the disease. Trial must not be designed exclusively to test toxicity or disease pathophysiology.
District of Columbia (2008) <u>Bill 17-469 (D.C. Law 17-166)</u>	All insurers in the District	Routine patient care costs for people in clinical trials undertaken for prevention, early detection, treatment, or monitoring of cancer and approved or funded in full or in part by one of the following: National Institutes of Health or one of its cooperative groups or centers, Centers for Disease Control and Prevention, Agency for Health Care Research and Quality, Centers for Medicare and Medicaid Services, U.S. Food and Drug Administration (FDA), U.S. Department of Defense, U.S. Department of Veterans Affairs, U.S. Department of Energy, nongovernmental research entity that has been awarded a National Cancer Institute support grant.	Routine patient care costs shall not include tests or measurements conducted primarily for the purpose of the clinical trial involved.  services or products provided solely for data collection and analysis purposes.  services or products customarily provided free of charge to trial participants by the research sponsors.
Georgia* (1998) <u>33-24-59.1</u>	Insurers and the state health plan	Routine patient costs incurred in Phase II and III of prescription drug clinical trial programs for the treatment of children's cancer.	For the treatment of cancer that generally first manifests itself in children under the age of 19.
Illinois (1999) <u>House Bill 1622 (amended 2004)</u> <u>Senate Bill 2339</u> <u>Public Act No. 93-1000</u> <u>20 ILCS 1405/56.3**</u>	HMOs and individual/group insurance policies to offer coverage to the applicant or policyholder (2004 amendment: Plans may not be canceled or non renewed based on an individual's participation in a qualified clinical trial)	Routine patient care if the individual participates in an approved Phase II through IV cancer research trial.	Coverage benefit can have annual limit of \$10,000. Trial must be conducted at multiple sites in state. Primary care MD must be involved in coordination of care. Researchers must submit results of trial for publication in nationally recognized scientific literature.
Louisiana (1999) <u>RS 22:230.4</u>	HMOs, PPOs, State Employee Benefits Program and other specified insurers	Patient costs incurred in Phase II through IV cancer clinical trials.	Only covers costs when no clearly superior, noninvestigational approach exists. Available data must support reasonable expectation that the treatment will be as effective as the noninvestigational alternative. Patient must sign an Institutional Review Board-approved consent form.
Maine (2000) <u>24-A-4310</u>	Managed care organizations and private insurers	Routine patient care costs associated with clinical trial.	Participation must offer meaningful potential for significant clinical benefit. Referring physician must conclude that trial participation is appropriate.

Maryland*** (1998) Chap 146-15-827	Private insurers and other specified managed care organizations.	Patient costs for Phase I through IV cancer treatment, supportive care, early detection, and prevention trials. Phase II through IV for other life-threatening conditions, with Phase I considered on a case-by-case basis.	There is no clearly superior, noninvestigational alternative. The data provide a reasonable expectation that the treatment will be as least as effective as the alternative.
Massachusetts (2002) Chap 176A Sec 8X	All health plans issued or renewed after Jan. 1, 2003	Patient care services associated with all phases of qualified cancer clinical trials.	Insurers must provide payment for services that are consistent with the usual and customary standard of care provided under the trial's protocol and that would be covered if the patient did not participate in the trial.
Missouri (2002) 376.429  (2006)- Phase II SB 567 & 792	All health benefit plans operating in the state	Routine patient care costs as the result of Phase II, III or IV clinical trials for the prevention, early detection, or treatment of cancer.	There must be identical or superior noninvestigational treatment alternatives available before providing clinical trial treatment, and there must be a reasonable expectation that the trial will be superior to the alternatives. Requires coverage of FDA-approved drugs and devices even if they have not be approved for use in treatment of patient's particular condition.
New Hampshire (2000) 415:18	Private insurers and specified managed care plans	Medically necessary routine patient care costs incurred as a result of a treatment for Phase I through IV cancer clinical trial or trial for a life-threatening disease.	Coverage for Phases I or II decided on case-by-case basis. Coverage is required for services needed to administer drug or device under evaluation. Coverage is required for routine patient care associated with drugs or devices which are not subject of trial, as long as they have been approved by FDA.
Nevada (2003) (amended 2005) SB 29 NRS 695G.173	All health insurance insurers, medical service corporations, HMOs and managed care organizations	Patient costs associated with Phase I through IV cancer or chronic fatigue clinical trial	Healthcare facility and personnel must have experience and training to provide the treatment in a capable manner. There must be no medical treatment available which is considered a more appropriate alternative medical treatment than the medical treatment provided in the clinical trial. There must be a reasonable expectation based on clinical data that the medical treatment provided in the clinical trial or study will be at least as effective as any other medical treatment. Amendment revises type of medical treatment covered.
New Mexico (2002) (amended 2004 to delay repeal until July 1, 2009) 59A-22-43	A health insurer; a nonprofit health service provider; a HMO; a managed care organization; a provider service organization; or the state's medical assistance program.	Routine patient care costs incurred as a result of the patient's participation in a phase II, III or IV cancer clinical trial.	Must be undertaken for the purposes of the prevention of recurrence of cancer, early detection or treatment of cancer for which no equally or more effective standard cancer treatment exists. Must not be designed exclusively to test toxicity or disease pathophysiology and it has a therapeutic intent. Must be provided as part of a scientific study of a new therapy or intervention and is for the prevention of recurrence, early detection, treatment or palliation of cancer in humans and in which includes specific provisions of scientific study.
New Mexico	Private insurers,	Routine patient care costs incurred as result of	Effective through July 1, 2004.

(2001) 59A-22-43	specified managed care plans, and Medicaid and other state medical assistance programs	Phase I through IV cancer clinical trial.	Trial must have therapeutic intent. Reasonable expectation that investigational treatment will be at least as effective as standard treatment.
North Carolina (2001) ? 58-3-255	All health insurance plans and teachers' and state employees' comprehensive major medical plan.	Medically necessary costs of health care services associated with Phase II through IV of covered clinical trials.	Patients suffering from a life-threatening disease or chronic condition may designate a specialist who is capable of coordinating their health care needs.
Ohio (2008) ORC Ann. 1751.01 (2008)	All health benefit plans including those for public employees.	Medically necessary costs of health care services associated with any stage of clinical trial.	Trial must be approved by NIH or another group under HHS, FDA, DOD or VA. May exclude coverage for service or product that is part of the investigative trial, item or procedure used only for data collection for the trial, item not approved by FDA, and transportation, lodging and food related to travel for participation in the trial.
Rhode Island (1994, 1997) 94-S 2623B 97-S 1A am	Private insurers and specified managed care plans	Coverage for new cancer therapies if treatment is provided under Phase II through IV cancer clinical trial.	
Tennessee (2005) HB 837	All health benefit plans	Routine patient care costs related to Phase I through IV cancer clinical trial.	Treatment must involve drug that is exempt under federal regulations from a new drug application, or approved by: NIH, FDA in form of new drug application, DOD, or VA.
Vermont (2001) (amended 2005 to remove March 1, 2005 sunset provision) Chap 107 ? 4088b HB 6	All health insurance policies and health benefit plans, including Medicaid	Routine patient care costs incurred during the participation in a cancer clinical trial.	Providers and insurers required to participate in a cost analysis to determine impact of the program on health insurance premiums. Amended law allows for participation in trial outside of Vermont if patient notifies health benefit plan prior to participation, and no clinical trial is available at Vermont or New Hampshire cancer care providers.
Virginia (1999) ? 38.2-3418.8	Private insurers, specified managed care plans, and public employee health plans	Patient costs incurred during the participation in Phase II through IV cancer clinical trials. Coverage provided on a case-by-case basis for Phase I.	There must be no clearly superior, noninvestigational alternative. Data must provide a reasonable expectation that the treatment will be at least as effective as the alternative.
West Virginia (2003) ?9-2-12	Individual and group insurers, health service corporations, health care corporations, HMOs, public employees insurance agency, Medicaid and the children's health insurance program	Patient costs associated with the participation in Phase II through IV clinical trial for treatment of life-threatening condition or the prevention, early detection and treatment of cancer.	Facility and personnel providing the treatment are capable of doing so by virtue of their experience, training and volume of patients treated to maintain expertise. There must be no clearly superior, noninvestigational treatment alternative. Data provide a reasonable expectation that the treatment will be more effective than the noninvestigational treatment alternative.
Wisconsin AB 617 (2006) Act 194	Any health insurance plan offered by the state, any self-insured plans	Routine patient care costs incurred during the participation in all phases of a cancer clinical trial. No policy, plan, or contract may exclude coverage for the cost of any routine patient care that is administered to an insured in a cancer	Trial must meet all criteria: 1. The purpose is to test whether the intervention potentially improves the trial participant's health outcomes. 2. The treatment provided as part of the trial is given with the intention of

		clinical trial satisfying the criteria under par. (c) and that would be covered under the policy, plan, or contract if the insured were not enrolled in a cancer clinical trial.	improving the trial participant's health outcomes. 3. The trial has therapeutic intent and is not designed exclusively to test toxicity or disease pathophysiology. 4. The trial does one of the following: a. Tests how to administer a health care service, item, or drug for the treatment of cancer. b. Tests responses to a health care service, item, or drug for the treatment of cancer. c. Compares the effectiveness of health care services, items, or drugs for the treatment of cancer with that of other health care services, items, or drugs for the treatment of cancer. d. Studies new uses of health care services, items, or drugs for the treatment of cancer. 5. The trial is approved by one of the following: a. A National Institute of Health, or one of its cooperative groups or centers, under the federal department of health and human services; federal food and drug administration; federal department of defense; federal department of veterans affairs.
Wyoming SF 024 (2008 budget session)	All health insurance policies, contracts, and certificates providing coverage to any resident of this state.	Routine patient care for a person enrolled in a Phases II- IV clinical trial. Includes a medical service or treatment that is a benefit under a health plan that would be covered if the patient were receiving standard cancer treatment; or a drug provided to a patient during a cancer clinical trial, other than the drug that is the subject of the clinical trial, if the drug has been approved by the federal food and drug administration for use in treating the patient's particular condition.	Trial must also be approved by NIH, FDA, Dept. of Defense, or Dept. of Veterans Affairs. The medical treatment must be provided by a licensed health care provider operating within the scope of his/her license in a facility whose personnel has the experience and training necessary to provide the treatment in a competent manner. The clinical trial participant must have signed an informed consent document prior to starting the trial.

\*In 2002, all major insurers in Georgia agreed to cover routine patient care costs associated with Phase I, II, III, or IV cancer clinical trials. Trials include those that involve a drug that is currently exempt under federal regulations from a new drug application or those that are approved by specified federal agencies or a local institutional review board. The agreement also provides for the coverage of cancer screens and examinations in accordance with the most recently published guidelines and recommendations established by any nationally recognized health care organization (see below).

\*\*Illinois Executive Branch Administrative Code (20 ILCS 1405/1405-20) required the Department of Insurance to conduct an analysis and study of costs and benefits derived from the implementation of the coverage requirements for investigational cancer treatments. The study covered the years 2000 through 2002 and included an analysis of the effect of the coverage requirements on the cost of insurance and health care, the results of the treatments to patients, the mortality rate among cancer patients, any improvements in care of patients, and any improvements in the quality of life of patients.

\*\*\*A 2003 Maryland law (S 128) repealed a reporting requirement for insurers, nonprofit health service plans, and HMOs to submit a report that described the trials covered during the previous year.

Sources: [National Cancer Institute](http://www.nationalcancer.org), Health Policy Tracking Service.

**Summary of Other Actions**

Table Two summarizes the special agreements some states have arranged with insurance companies to voluntarily provide coverage for

clinical trials.

Table Two Special Agreements			
State (Year Agreement Became Effective)	Who is Required to Pay?	What Services or Benefits are Covered?	Other Key Criteria:
Georgia (2002) <a href="#">Georgia Cancer Coalition</a>	All major insurers	Routine patient care costs associated with Phase I through IV cancer clinical trials.	Trials include those that involve a drug that is currently exempt under federal regulations from a new drug application or those that are approved by specified federal agencies or a local institutional review board. Provides for the coverage of cancer screens and examinations in accordance with the most recently published guidelines and recommendations established by any nationally recognized health care organization.
Michigan (2002) Michigan Consensus Agreement	Private insurance plans, HMOs and Medicaid	Routine patient care costs associated with Phase II and III cancer clinical trials.	Coverage for Phase I trials is under consideration.
New Jersey (1999) <a href="#">New Jersey Consensus Agreement</a>	All insurers	Routine patient care costs associated with all phases of cancer clinical trials.	
Ohio (1999) <a href="#">Ohio Med Plan</a>	State employees on Ohio Med Plan	Routine patient care costs associated with Phase II and III cancer treatment clinical trials.	Preauthorization is required for clinical trial participation.

### Federal Activity

In 2000, Medicare began covering beneficiaries patient care costs in clinical trials. While many state Medicaid programs have no legal requirements to cover clinical trials costs, many do cover all or some of the costs.

### Additional Resources

American Cancer Society, National Government Relations memo on Clinical Trials.  
[http://www.indianacancer.org/documents/factsheet\\_ACS\\_clinical%20trials.pdf](http://www.indianacancer.org/documents/factsheet_ACS_clinical%20trials.pdf)

National Cancer Institute, States That Require Health Plans to Cover Patient Care Costs in Clinical Trials. Information and Overview: <http://www.cancer.gov/clinicaltrials/ctlaws-home>

To legislators and legislative staff: For more information please contact Karmen Hanson at [health-info@ncsl.org](mailto:health-info@ncsl.org)

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**The New York Times**

January 27, 2009

## Medicare Widens Drugs It Accepts for Cancer

By REED ABELSON and ANDREW POLLACK

Medicare, with little public debate, has expanded its coverage of drugs for cancer treatments not approved by the Food and Drug Administration.

Cancer doctors had clamored for the changes, saying that some of these treatments, known as off-label uses, were essential if patients were to receive the most up-to-date care. But for many such uses there is scant clinical evidence that the drugs are effective, despite costing as much as \$10,000 a month. Because the drugs may represent a patient's last hope, though, doctors are often willing to try them.

The new Medicare rules are the latest twist in a protracted debate over federal spending on off-label drugs — drugs prescribed for uses other than those for which they have been specifically approved.

Proponents of the changes say such spending not only helps patients, but can also enhance medical understanding of which treatments work against various forms of cancer.

But opponents argue that the new approach may waste money and needlessly expose patients to the side effects of drugs that may not help them. They also raise the possibility of conflicts of interest, because the rules rely on reference guides that in some cases are linked to drug makers.

The new policy, which took effect in November, makes it much easier to get even questionable treatments paid for, critics of the changes say. Medicare is providing "carte blanche in treatment for cancers," said Steven Findlay, a health policy analyst for Consumers Union. He said overly expansive coverage encourages doctors to use patients as guinea pigs for unproved therapies.

Because Medicare officials canceled a cost analysis of the changes, it is hard to predict how much spending will increase beyond the \$2.4 billion Medicare paid in 2007 for cancer drugs. But cancer doctors and other experts say the new policies, adopted in the final months of the Bush administration, seem almost certain to raise the federal drug bill, while making it more difficult for the new administration to rein in spending on unproven medical treatments.

Although President Obama has made a goal of controlling health care costs, a spokesman for the Obama administration declined to comment on the Medicare changes.

One of the many drugs whose use is likely to expand is the Eli Lilly product Gemzar, which costs \$2,500 to \$5,000 a month. The F.D.A. has approved it to treat only four types of cancer. But the new rules will virtually guarantee that Medicare will pay for its use for about a dozen other cancers, including advanced cervical cancer — even though the evidence supporting Gemzar for that use is "inconclusive," according to one of the reference guides Medicare will now be consulting.

In the case of Genentech's Avastin, one of the world's most expensive and widely used cancer drugs, Medicare

rejected in 2007 nearly all of the estimated \$16 million in requests from doctors' offices to cover its off-label use for ovarian cancer, according to claims specialists who work with Medicare data but declined to be identified because of the controversy over the topic. Under the new rules, Avastin will be routinely covered for ovarian cancer — as will at least some other off-label uses, including for brain and kidney cancer.

It is unclear how much precedent Medicare's new rules might have on private insurers, which often follow the agency's lead on paying for drugs.

Medicare officials defend the new policies, saying they respond to cancer doctors' concerns that the agency has been too slow to recognize promising new off-label treatments. Dr. Steve Phurrough, who has overseen coverage for the agency since 2003, noted that a 1993 federal law gave Medicare specific authorization to cover some unapproved uses of cancer drugs.

"Congress wanted a lesser level of evidence," Dr. Phurrough said. The question of what is adequate evidence is "not a line in the sand," he said. "It's a broad stripe in the sand."

The American Society of Clinical Oncology, which represents cancer doctors, has hailed the new rules, saying they will ensure that the appropriate off-label uses are covered.

But some specialists say that being able to offer off-label drugs can also let physicians avoid hard discussions with patients about a grim prognosis.

"It makes it easier to give drug after drug," said Dr. Andrew Berchuck, director of gynecologic oncology at Duke University, "and keep the fantasy alive."

The new rules expand the number of reference guides — or compendiums — that Medicare relies on for determining which off-label uses of cancer drugs to cover. The writers and editors of these compendiums, who work completely outside the federal government, scan the medical literature and evaluate the evidence in making their recommendations.

In 1993, Congress had authorized three compendiums for Medicare, all published by not-for-profit organizations. But by 2007 two had stopped publishing, leaving Medicare with a single compendium. Having selected three additional guides last year, the agency plans to review its choice of guides every year.

Under the old rules, Medicare representatives were supposed to consult the compendiums but also use their own discretion in interpreting the guides' recommendations. The new rules essentially delegate the decision to guides Medicare has selected, even when there is little clinical evidence behind a particular recommendation. As long as at least one of them recommends a cancer treatment, Medicare is essentially obliged to pay for it — unless one of the other guides specifically advises against it.

And some of these new compendiums have close financial ties to the drug industry, according to the draft of a report Medicare commissioned last year after Congress raised questions about possible conflicts of interest. The draft was completed in October, with a final version to be released soon.

The draft criticizes the new rules for essentially taking most decisions about off-label cancer drugs out of Medicare's hands, even when the agency is aware of potential conflicts. The guide's recommendation, the report says, "becomes the final word."

For some experts, the bigger concern about using some cancer drugs off-label without adequate evidence is that they may not only be useless — they may cause dangerous side effects.

“We have very little faith that those indications that make it into the compendia are safe, let alone effective,” said Dr. Allan M. Korn, the chief medical officer for the Blue Cross and Blue Shield Association, who added that Medicare should cover off-label drugs only if the results of their use are carefully tracked afterward. There is no such requirement in the new Medicare guidelines.

There have been three different top Medicare administrators since the off-label rule changes were set in motion a few years ago. The second of them, Leslie V. Norwalk, chose to select the compendiums through a streamlined and internal administrative process, instead of the more elaborate and public process that Medicare often uses for broad coverage decisions.

“I did not see it as a significant step in coverage,” said Ms. Norwalk, who left Medicare in 2007.

Drug makers say they welcome the Medicare changes. A spokesman for the Pharmaceutical Research and Manufacturers of America, the industry’s main trade group, said the new rules ensured “that cancer patients have access to the treatments they need.”

Many oncologists say they needed greater flexibility in using cancer drugs because it can take months or years for a new use to be approved by the F.D.A. They cite the example of Celgene’s drug thalidomide, now a mainstay treatment for multiple myeloma, which was prescribed only off-label for years before the F.D.A. formally approved it for that use.

And in the case of rare types of cancer, there may be so few potential patients that companies have little financial incentive to undergo the formal F.D.A. process for approving a drug for expanded use. Only two drugs have been approved by the F.D.A. for brain cancer, for example, and cancer doctors say they need the ability to try other drugs or other combinations of treatments.

“To arbitrarily stop after two drugs to me is ludicrous,” especially for younger patients, said Dr. Virginia Stark-Vance, a solo practitioner in Dallas and Fort Worth. She said one of her brain cancer patients had been kept alive for 10 years by off-label use of irinotecan, a colon cancer drug that was the ninth drug the patient tried.

Medicare seems to have ignored some concerns raised by a group of outside researchers whom the agency had asked to survey a half-dozen compendiums, including the four that Medicare has now adopted. That report, completed in 2007, found that the six guides “cited very little of the available evidence,” said Dr. Amy P. Abernethy, a Duke oncologist who led the study.

The study also found great variability among the guides, in terms of what uses were recommended — or discussed at all.

Despite her study’s findings, Dr. Abernethy says she does not oppose Medicare’s new rules.

“I think the addition of the new compendia this year is an important increase in the bandwidth,” she said.

Critics say the agency also seems to have played down the potential financial conflicts of interests between the drug industry and the producers of the compendiums. The draft study that was completed in October notes that one of the new guides is published by the National Comprehensive Cancer Network, a group of 21 leading

cancer centers that routinely employs experts who have financial ties to the drug industry.

William T. McGivney, the network's chief executive, said each committee of reviewers had 20 to 30 members, which "diminishes the opportunity for dominance of one person's opinion," regardless of any ties to drug makers.

Then there is the American Hospital Formulary compendium, the one that Medicare was using before the November changes and will continue to consult. It has long been published by the nonprofit American Society of Health-System Pharmacists. But last year the society forged a financial relationship with a foundation linked to drug companies and some cancer doctors' private practices.

A drug company can apply to that foundation, the Foundation for Evidence-Based Medicine, and pay a \$50,000 fee to have new uses of its drug reviewed by the compendium within 90 days. The foundation was started in 2007 by the Association of Community Cancer Centers, which represents oncology practices, and says it received about \$200,000 in initial funding from drug makers.

Gerald K. McEvoy, the guide's editor in chief, said the application fee was meant to raise money to pay for additional researchers, to address previous criticism that the publication was too slow to vet new evidence. The foundation insulates the guide's staff from industry pressure, he said, and fewer than one-third of the reviews under the new arrangement have resulted in a positive recommendation in the compendium.

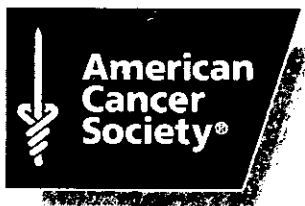
Medicare officials acknowledge that some of the potential conflicts need to be addressed. But they say they have confidence in the guides they have chosen. "We had significant conversations with all the companies," Dr. Phurrough said.

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## The Costs of Routine Care Provided in a Clinical Trial are comparable to the Costs of Standard Therapy

The evidence from numerous studies has overwhelmingly shown that patient care in clinical trials costs approximately the same as care delivered in standard therapy. In some cases, because the third-party payer is not billed for the drug or treatment under investigation, the costs associated with care in a clinical trial can actually be less than the care delivered in standard therapy.

### Several studies specifically focused on the costs of cancer clinical trials have recently been published in highly respected peer-reviewed publications.

- A pilot study conducted by the American Association of Cancer Institutes (AACI) showed that the total mean direct medical charges for patients enrolled in a clinical trial *were less than the charges for patients receiving standard therapy*.<sup>1</sup>
- A December, 2001 article similarly found that some clinical trials may actually result in *lower* patient care costs. In addition, in cases where trials resulted in modest increases in patient care costs, the authors concluded that these costs were justified by the benefits that clinical trials bring to all patients.<sup>2</sup>
- The Mayo Clinic has found that the cost of care for patients enrolled in clinical trials is often little more than for patients who received standard therapy.<sup>3</sup>
- Authors of a study conducted at Kaiser Permanente found that the cost of medical care for enrollees in clinical trials without bone marrow transplant were no higher than for patients who were not enrolled in a trial. Kaiser further states, "Kaiser has been participating in cancer clinical trials without substantial increases in the direct costs of medical care."<sup>4</sup>
- The most comprehensive study yet confirms that there are only slightly higher patient-care costs associated with treating patients in cancer clinical trials compared to treating similar patients outside of trials.<sup>5</sup>


### Some esteemed hospitals and universities have also conducted cost analysis studies.

- A study at Memorial Sloan-Kettering Cancer Center in New York City showed that the overall average cost of treating clinical trial patients was 17% *less* than treating patients receiving standard care.<sup>6</sup>
- A study conducted at the Karmanos Cancer Center in Detroit showed that the 6-month costs for treating advanced lung cancer were an average \$1400 less for patients enrolled in a clinical trial.<sup>7</sup>

### The Institute of Medicine has also concluded that the cost impact of providing coverage for routine patient care costs is likely to be "quite small."<sup>8</sup> The IOM's reasoning included the following:

- The reimbursement costs are limited to the cost of "standard care" which would be covered if the patient were not enrolled in the trial.<sup>8</sup>
- Only a small percentage (approximately 20%) of cancer patients are eligible to participate in a clinical trial and very few (approximately 3% of cancer patients and less than 0.5% of Medicare patients) currently enroll. Even if enrollment was increased to the full 20 percent, it is unlikely that these numbers will significantly impact overall costs to health plans.<sup>8</sup>
- Through clinical trials, we will be able to identify ineffective treatments, which could save health plans money and will benefit the nation as a whole.<sup>8</sup>

1. Bennett CL, Stinson TJ, Vogel V, *et al*. Evaluating the financial impact of clinical trials in oncology: Results from a pilot study from the Association of American Cancer Institutes/Northwestern University Clinical Trials Costs and Charges Project. *J Clin Oncol* 2000;18:2805-10.
2. Bennett CL, Adams JR, Knox KS, Kelehan AM, Silver SM, Bailes JS. Clinical trials: Are they a good buy? *J Clin Oncol* 2001;19:4330-9.
3. Wagner JL, Alberts SR, Sloan JA, *et al*. Incremental costs of enrolling cancer patients in clinical trials: a population-based study. *J Natl Cancer Inst* 1999;91:847-53.
4. Fireman BH, Fehrenbacher L, Gruskin EP, Ray GT. Cost of care for patients in cancer clinical trials. *J Natl Cancer Inst* 2000;92:136-42.
5. Goldman DP, Berry SH, McCabe MS, Kilgore ML, Potosky AL, Schoenbaum ML, Schonlau M, Weeks JC, Kaplan R, Escarce JJ. Incremental treatment costs in National Cancer Institute-sponsored clinical trials. *JAMA* 2003; 289: 2970-76.
6. Quirk J, Schrag D, Radzyner M, *et al*. Clinical trial costs are similar to and may be less than standard care and inpatient (InPT) charges at an academic medical center (AMC) are similar to major, minor, and non-teaching hospitals. *Proc Am Soc Clin Oncol* 2000;19:433a. (abstr 1696).
7. Bennett CL, Stinson TJ, Vogel V, *et al*. Evaluating the financial impact of clinical trials in oncology: Results from a pilot study from the Association of American Cancer Institutes/Northwestern University Clinical Trials Costs and Charges Project. *J Clin Oncol* 2000;18:2805-10.
8. Aaron HJ, Gelband H, editors. Extending Medicare reimbursement in clinical trials. Washington, DC: National Academy Press; 2000. p 13.



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## The Access To Cancer Clinical Trials Act of 2009 (Rep. Sue Myrick)

January 30th, 2009

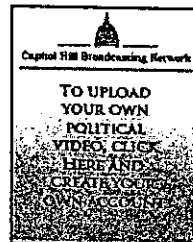
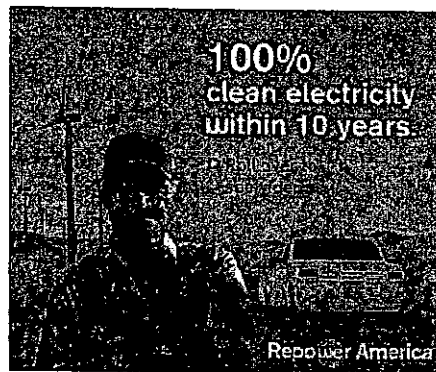
Clinical trials are so critical for patients and or medical research, yet many patients find that their health insurance won't cover the rest of their routine cancer treatment if they decide to enroll in clinical trials. We're not asking insurance companies to pay for clinical trials. This bill simply state that insurers must continue to pay for routine treatments --- that they would be paying for regardless --- if patients enroll in a clinical trial.

No patient should ever have to fear exploring all treatment options at the cost of losing coverage. We should be encouraging participation in clinical trials, not discouraging it by removing coverage for routine care. Were it not for patients who have enrolled in past trials, the medial advancements we've experienced toward finding a cure for cancer would not be possible.

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By N.C. GOP Rep. Sue Myrick

This entry was posted on Friday, January 30th, 2009 at 5:08 pm and is filed under [Healthcare](#), [Lawmaker News](#).



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## Clinical Trials: Questions and Answers

### Key Points

- **Clinical trials** are research studies that test how well new medical approaches work in people (see [Question 1](#)).
- Every clinical trial has a **protocol**, which describes what will be done in the study, how it will be conducted, and why each part of the study is necessary (see [Question 4](#)).
- **Informed consent** is a process by which people learn the important facts about a clinical trial to help them decide whether to participate (see [Question 6](#)).
- Payment of patient care costs in clinical trials varies by health insurance plan and by study (see [Question 11](#)).

### 1. What are clinical trials, and why are they important?

Clinical trials are research studies that test how well new medical approaches work in people. Each study answers scientific questions and tries to find better ways to prevent, screen for, diagnose, or treat a disease. People who take part in **cancer** clinical trials have an opportunity to contribute to knowledge of, and progress against, cancer. They also receive up-to-date care from experts.

### 2. What are the types of clinical trials?

There are several types of clinical trials:

- **Prevention trials** test new approaches, such as medications, **vitamins**, or other **supplements**, that doctors believe may lower the risk of developing a certain type of cancer. Most prevention trials are conducted with healthy people who have not had cancer. Some trials are conducted with people who have had cancer and want to prevent **recurrence** (return of cancer), or reduce the chance of developing a new type of cancer.
- **Screening trials** study ways to detect cancer earlier. They are often conducted to determine whether finding cancer before it causes **symptoms** decreases the chance of dying from the disease. These trials involve people who do not have any symptoms of cancer.
- **Diagnostic trials** study tests or procedures that could be used to identify cancer more accurately. Diagnostic trials usually include people who have signs or symptoms of cancer.
- **Treatment trials** are conducted with people who have cancer. They are designed to answer specific questions about, and evaluate the effectiveness of, a new treatment or a new way of using a **standard treatment**. These trials test many types of treatments, such as new drugs, **vaccines**, new approaches to **surgery** or **radiation therapy**, or new combinations of treatments.
- **Quality-of-life (also called supportive care)** trials explore ways to improve the comfort and quality of life of cancer patients and cancer survivors. These trials may study ways to help people who are experiencing **nausea**, **vomiting**, sleep disorders, **depression**, or other effects from cancer or its treatment.
- **Genetics studies** are sometimes part of another cancer clinical trial. The genetics component of the trial may focus on how **genetic** makeup can affect detection, **diagnosis**, or **response** to cancer treatment.

Population- and family-based genetic research studies differ from traditional cancer clinical trials. In these studies, researchers look at **tissue** or **blood** samples, generally from families or large groups of people, to find genetic changes that are associated with cancer. People who participate in genetics studies may or may not have cancer, depending on the study. The goal

of these studies is to help understand the role of genes in the development of cancer.

### 3. Who sponsors clinical trials?

Government agencies, such as the National Cancer Institute (NCI) and other parts of the National Institutes of Health (NIH), the Department of Defense, and the Department of Veterans Affairs, sponsor and conduct clinical trials. In addition, organizations or individuals, such as physicians, medical institutions, foundations, volunteer groups, and pharmaceutical companies, also sponsor clinical trials.

NCI sponsors a large number of clinical trials and has a number of programs designed to make clinical trials widely available in the United States. These programs include the following:

- The **Cancer Centers Program** provides support to research-oriented institutions, including those that have been designated as NCI Comprehensive or Clinical Cancer Centers for their scientific excellence. More information is available in the NCI fact sheet *The National Cancer Institute Cancer Centers Program*, which is available at <http://www.cancer.gov/cancertopics/factsheet/NCI/cancer-centers> on the Internet.
- The **Specialized Programs of Research Excellence (SPOREs)** bring together scientists and researchers to design and implement research programs that can improve prevention, detection, diagnosis, and treatment of specific types of cancer. More information about SPOREs is available at <http://spores.nci.nih.gov/index.html> on the Internet.
- The **Clinical Trials Cooperative Group Program** brings researchers, cancer centers, and doctors together into cooperative groups. These groups work with the NCI to identify important questions in cancer research, and design and conduct multisite clinical trials to answer these questions. Cooperative groups are located throughout the United States and in Canada and Europe. For more information, refer to the fact sheet *NCI's Clinical Trials Cooperative Group Program* at <http://www.cancer.gov/cancertopics/factsheet/NCI/clinical-trials-cooperative-group> on the Internet.
- The **Cancer Trials Support Unit (CTSU)** makes NCI-sponsored phase III treatment trials available to doctors and patients in the United States and Canada. Doctors who are not affiliated with an NCI-sponsored Clinical Trials Cooperative Group (see above) must complete an application process, which includes credential verification and site preparedness assessment, to become members of the CTSU's National Network of Investigators. CTSU members can enroll patients in clinical trials through the program's Web site, which is located at <http://www.ctsu.org> on the Internet. General information about the CTSU is also available on the program's Web site, or by calling 1-888-823-5923.
- The **Community Clinical Oncology Program (CCOP)** makes clinical trials available in a large number of communities across the United States. Local hospitals throughout the country affiliate with a cancer center or a cooperative group. This affiliation allows doctors to offer people participation in clinical trials more easily, so they do not have to travel long distances or leave their usual caregivers. The **Minority-Based Community Clinical Oncology Program** focuses on encouraging minority populations to participate in clinical trials. More information about the CCOP can be found in the NCI fact sheet *Community Clinical Oncology Program: Questions and Answers*, which is available at <http://www.cancer.gov/cancertopics/factsheet/NCI/CCOP> on the Internet.
- The **National Institutes of Health Clinical Center**, a research hospital located in Bethesda, Maryland, is part of the NIH. Trials at the Clinical Center are conducted by the components of the NIH, including the NCI. The NCI fact sheet *Cancer Clinical Trials at the National Institutes of Health Clinical Center: Questions and Answers* has more information about the Clinical Center. This fact sheet is available at <http://www.cancer.gov/cancertopics/factsheet/NCI/clinical-center> on the Internet.

### 4. How are participants protected?

Research with people is conducted according to strict scientific and ethical principles. Every clinical trial has a protocol, or action plan, which acts like a "recipe" for conducting the trial. The plan describes what will be done in the study, how it will be conducted, and why each part of the study is necessary. The same protocol is used by every doctor or research center taking part in the trial.

All clinical trials that are federally funded or that evaluate a new drug or medical device subject to Food and Drug Administration regulation must be reviewed and approved by an Institutional Review Board (IRB). Many institutions require that all clinical trials, regardless of funding, be reviewed and approved by a local IRB. The Board, which includes doctors, researchers, community leaders, and other members of the community, reviews the protocol to make sure the study is conducted fairly and participants are not likely to be harmed. The IRB also decides how often to review the trial once it has begun. Based on this information, the IRB decides whether the clinical trial should continue as initially planned and, if not, what changes should be made. An IRB can stop a clinical trial if the

researcher is not following the protocol or if the trial appears to be causing unexpected harm to the participants. An IRB can also stop a clinical trial if there is clear evidence that the new intervention is effective, in order to make it widely available.

NIH-supported clinical trials require data and safety monitoring. Some clinical trials, especially phase III clinical trials, use a Data and Safety Monitoring Board (DSMB). A DSMB is an independent committee made up of statisticians, physicians, and patient advocates. The DSMB ensures that the risks of participation are as small as possible, makes sure the data are complete, and stops a trial if safety concerns arise or when the trial's objectives have been met.

5. What are eligibility criteria, and why are they important?

Each study's protocol has guidelines for who can or cannot participate in the study. These guidelines, called eligibility criteria, describe characteristics that must be shared by all participants. The criteria differ from study to study. They may include age, gender, medical history, and current health status. Eligibility criteria for treatment studies often require that patients have a particular type and stage of cancer.

Enrolling participants with similar characteristics helps to ensure that the results of the trial will be due to what is under study and not other factors. In this way, eligibility criteria help researchers achieve accurate and meaningful results. These criteria also minimize the risk of a person's condition becoming worse by participating in the study.

6. What is informed consent?

Informed consent is a process by which people learn the important facts about a clinical trial to help them decide whether to participate. This information includes details about what is involved, such as the purpose of the study, the tests and other procedures used in the study, and the possible risks and benefits. In addition to talking with the doctor or nurse, people receive a written consent form explaining the study. People who agree to take part in the study are asked to sign the informed consent form. However, signing the form does not mean people must stay in the study. People can leave the study at any time—either before the study starts or at any time during the study or the follow-up period.

The informed consent process continues throughout the study. If new benefits, risks, or side effects are discovered during the study, the researchers must inform the participants. They may be asked to sign new consent forms if they want to stay in the study.

7. Where do clinical trials take place?

Clinical trials take place in doctors' offices, cancer centers, other medical centers, community hospitals and clinics, and veterans' and military hospitals in cities and towns across the United States and in other countries. Clinical trials may include participants at one or two highly specialized centers, or they may involve hundreds of locations at the same time.

8. How are clinical trials conducted?

Clinical trials are usually conducted in a series of steps, called phases. Treatment clinical trials listed in PDQ<sup>®</sup>, the NCI's comprehensive cancer information database, are always assigned a phase. However, screening, prevention, diagnostic, and quality-of-life studies do not always have a phase. Genetics clinical trials generally do not have a phase.

- Phase I trials are the first step in testing a new approach in people. In these studies, researchers evaluate what dose is safe, how a new agent should be given (by mouth, injected into a vein, or injected into the muscle), and how often. Researchers watch closely for any harmful side effects. Phase I trials usually enroll a small number of patients and take place at only a few locations. The dose of the new therapy or technique is increased a little at a time. The highest dose with an acceptable level of side effects is determined to be appropriate for further testing.
- Phase II trials study the safety and effectiveness of an agent or intervention, and evaluate how it affects the human body. Phase II studies usually focus on a particular type of cancer, and include fewer than 100 patients.
- Phase III trials compare a new agent or intervention (or new use of a standard one) with the current standard therapy. Participants are randomly assigned to the standard group or the new group, usually by computer. This method, called randomization, helps to avoid bias and ensures that human choices or other factors do not affect the study's results. In most cases, studies move into phase III testing only after they have shown promise in phases I and II. Phase III trials often include large numbers of people across the country.
- Phase IV trials are conducted to further evaluate the long-term safety and effectiveness of a

treatment. They usually take place after the treatment has been approved for standard use. Several hundred to several thousand people may take part in a phase IV study. These studies are less common than phase I, II, or III trials.

People who participate in a clinical trial work with a research team. Team members may include doctors, nurses, social workers, dietitians, and other health professionals. The health care team provides care, monitors participants' health, and offers specific instructions about the study. So that the trial results are as reliable as possible, it is important for participants to follow the research team's instructions. The instructions may include keeping logs or answering questionnaires. The research team may continue to contact participants after the trial ends.

9. What are some of the benefits of taking part in a clinical trial?

The benefits of participating in a clinical trial include the following:

- Participants have access to promising new approaches that are often not available outside the clinical trial setting.
- The approach being studied may be more effective than the standard approach.
- Participants receive regular and careful medical attention from a research team that includes doctors and other health professionals.
- Participants may be the first to benefit from the new method under study.
- Results from the study may help others in the future.

10. What are some of the possible risks associated with taking part in a clinical trial?

The possible risks of participating in a clinical trial include the following:

- New drugs or procedures under study are not always better than the standard care to which they are being compared.
- New treatments may have side effects or risks that doctors do not expect or that are worse than those resulting from standard care.
- Participants in randomized trials will not be able to choose the approach they receive.
- Health insurance and managed care providers may not cover all patient care costs in a study.
- Participants may be required to make more visits to the doctor than they would if they were not in the clinical trial.

11. Who pays for the patient care costs associated with a clinical trial?

Health insurance and managed care providers often do not cover the patient care costs associated with a clinical trial. What they cover varies by health plan and by study. Some health plans do not cover clinical trials if they consider the approach being studied "experimental" or "investigational." However, if enough data show that the approach is safe and effective, a health plan may consider the approach "established" and cover some or all of the costs. Participants may have difficulty obtaining coverage for costs associated with prevention and screening clinical trials; health plans are currently less likely to have review processes in place for these studies. It may, therefore, be more difficult to get coverage for the costs associated with them. In many cases, it helps to have someone from the research team talk about coverage with representatives of the health plan.

Health plans may specify other criteria a trial must meet to be covered. The trial might have to be sponsored by a specified organization, be judged "medically necessary" by the health plan, not be significantly more expensive than treatments the health plan considers standard, or focus on types of cancer for which no standard treatments are available. In addition, the facility and medical staff might have to meet the plan's qualifications for conducting certain procedures, such as bone marrow transplants. More information about insurance coverage can be found on the NCI's *Clinical Trials and Insurance Coverage: A Resource Guide* Web page at <http://www.cancer.gov/clinicaltrials/learning/insurance-coverage> on the Internet.

Many states have passed legislation or developed policies requiring health plans to cover the costs of certain clinical trials. For more information, visit the NCI's Web site at <http://www.cancer.gov/clinicaltrials/developments/laws-about-clinical-trial-costs> on the Internet.

Federal programs that help pay the costs of care in a clinical trial include those listed below:

- Medicare reimburses patient care costs for its beneficiaries who participate in clinical trials designed to diagnose or treat cancer. Information about Medicare coverage of clinical trials is available at <http://www.medicare.gov> on the Internet, or by calling Medicare's toll-free number for beneficiaries at 1-800-633-4227 (1-800-MEDICARE). The toll-free number for the hearing impaired is 1-877-486-2048. Also, the NCI fact sheet *More Choices in Cancer Care: Information for Beneficiaries on Medicare Coverage of Cancer Clinical Trials* is available at <http://www.cancer.gov/cancertopics/factsheet/support/medicare> on the Internet.
- Beneficiaries of TRICARE, the Department of Defense's health program, can be reimbursed for the medical costs of participation in NCI-sponsored phase II and phase III cancer prevention

(including screening and early detection) and treatment trials. Additional information is available in the NCI fact sheet *TRICARE Beneficiaries Can Enter Clinical Trials for Cancer Prevention and Treatment Through a Department of Defense and National Cancer Institute Agreement*. This fact sheet can be found at <http://www.cancer.gov/cancertopics/factsheet/NCI/TRICARE> on the Internet.

- The Department of Veterans Affairs (VA) allows eligible veterans to participate in NCI-sponsored prevention, diagnosis, and treatment studies nationwide. All phases and types of NCI-sponsored trials are included. The NCI fact sheet *The NCI/VA Agreement on Clinical Trials: Questions and Answers* has more information. It is available at <http://www.cancer.gov/cancertopics/factsheet/NCI/VA-clinical-trials> on the Internet.

12. What are some questions people might ask their health care provider before entering a clinical trial?

It is important for people to ask questions before deciding to enter a clinical trial. Questions people might want to ask their doctor or nurse include the following:

**The Study**

- What is the purpose of the study?
- Why do the researchers think the approach being tested may be effective? Has it been tested before?
- Who is sponsoring the study?
- Who has reviewed and approved the study?
- What are the medical credentials and experience of the researchers and other study personnel?
- How are the study results and safety of participants being monitored?
- How long will the study last?
- How will the results be shared?

**Possible Risks and Benefits**

- What are the possible short-term benefits?
- What are the possible long-term benefits?
- What are the short-term risks, such as side effects?
- What are the possible long-term risks?
- What other treatment options are available?
- How do the possible risks and benefits of the trial compare with those of other options?

**Participation and Care**

- What kinds of treatment, medical tests, or procedures will the participants have during the study? How often will they receive the treatments, tests, or procedures?
- Will treatments, tests, or procedures be painful? If so, how can the pain be controlled?
- How do the tests in the study compare with what people might receive outside the study?
- Will participants be able to take their regular medications while in the clinical trial?
- Where will the participants receive their medical care? Will they be in a hospital? If so, for how long?
- Who will be in charge of the participants' care? Will they be able to see their own doctors?
- How long will participants need to stay in the study? Will there be follow-up visits after the study?

**Personal Issues**

- How could being in the study affect the participants' daily lives?
- What support is available for participants and their families?
- Can potential participants talk with people already enrolled in the study?

**Cost Issues**

- Will participants have to pay for any treatment, tests, or other charges? If so, what will the approximate charges be?
- What is health insurance likely to cover?
- Who can help answer questions from the insurance company or health plan?

13. What happens when a clinical trial is over?

After a clinical trial is completed, the researchers look carefully at the data collected during the trial before making decisions about the meaning of the findings and further testing. After a phase I or II trial, the researchers decide whether to move on to the next phase, or stop testing the agent or intervention because it was not safe or effective. When a phase III trial is completed, the researchers look at the data and decide whether the results have medical importance.

The results of clinical trials are often published in peer-reviewed, scientific journals. Peer review is a process by which experts review the report before it is published to make sure the analysis and conclusions are sound. If the results are particularly important, they may be featured by the media and discussed at scientific meetings and by patient advocacy groups before they are published. Once a new approach has been proven safe and effective in a clinical trial, it may become standard practice. (Standard practice is a currently accepted and widely used approach.)

The National Library of Medicine's Web site offers links to resources for finding the results of clinical trials. It includes information about published and unpublished results. This resource can be found at <http://www.nlm.nih.gov/services/ctresults.html> on the Internet.

14. Where can people find more information about clinical trials?

In addition to the resources described in Question 3, people interested in taking part in a clinical trial should talk with their health care provider. Information about cancer clinical trials is also available from the NCI's Cancer Information Service (CIS). Information specialists at the CIS use PDQ to identify and provide detailed information about specific ongoing clinical trials. PDQ includes all NCI-funded clinical trials and some studies conducted by independent investigators at hospitals and medical centers in the United States and Europe.

People also have the option of searching for clinical trials on their own. The clinical trials page of the NCI's Web site, located at <http://www.cancer.gov/clinicaltrials/> on the Internet, provides information about clinical trials and links to PDQ. Another resource is the NIH's ClinicalTrials.gov Web site. ClinicalTrials.gov lists clinical trials sponsored by the NIH, other Federal agencies, and the pharmaceutical industry for a wide range of diseases, including cancer and other conditions. This site can be found at <http://clinicaltrials.gov> on the Internet.

###

#### Related Resources

Publications (available at <http://www.cancer.gov/publications>)

- National Cancer Institute Fact Sheet 1.2, *The National Cancer Institute Cancer Centers Program*
- National Cancer Institute Fact Sheet 1.3, *Community Clinical Oncology Program: Questions and Answers*
- National Cancer Institute Fact Sheet 1.4, *NCI's Clinical Trials Cooperative Group Program*
- National Cancer Institute Fact Sheet 1.13, *TRICARE Beneficiaries Can Enter Clinical Trials for Cancer Prevention and Treatment Through a Department of Defense and National Cancer Institute Agreement*
- National Cancer Institute Fact Sheet 1.17, *The NCI/VA Agreement on Clinical Trials: Questions and Answers*
- National Cancer Institute Fact Sheet 1.22, *Cancer Clinical Trials at the National Institutes of Health Clinical Center: Questions and Answers*
- National Cancer Institute Fact Sheet 8.14, *More Choices in Cancer Care: Information for Beneficiaries on Medicare Coverage of Cancer Clinical Trials*
- *Taking Part in Clinical Trials: What Cancer Patients Need To Know*
- *Taking Part in Clinical Trials: Cancer Prevention Studies*

#### National Cancer Institute (NCI) Resources

##### Cancer Information Service (toll-free)

Telephone: 1-800-4-CANCER (1-800-422-6237)

TTY: 1-800-332-8615

##### Online

NCI's Web site: <http://www.cancer.gov>

*LiveHelp*, NCI's live online assistance:

<https://cissecure.nci.nih.gov/livehelp/welcome.asp>

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## Clinical Trial Information

The greater the number of people who participate in clinical trials, the faster emerging anticancer therapies can be brought to market. US Oncology accrued more than 32,000 cancer patients to clinical trials, and is bringing the search for new therapies directly into local communities across America.

Our research team members conduct more than 50 clinical trials each year. While we have complete Phase I-IV capabilities, the majority of our research is in Phase II and III development stages.

Our extensive clinical trial program, plus our provision of care for approximately 200,000 new cancer patients each year, provides us with a unique research platform. In sharing what we learn with one another, we can more readily advance the latest developments as they relate to investigational drugs, the reduction of side effects, and new methods of care.

If you are interested in contacting a US Oncology-affiliated physician to learn more about our clinical trial program, please [click here](#).

## Frequently Asked Questions About Clinical Trials

If you are a cancer patient or someone you know is a cancer patient, you may be interested in learning more about clinical trials. The information below offers a brief overview of the clinical trial process, with a look at key questions and terms.

### What are Clinical Trials?

Clinical trials, or research studies, utilize patient volunteers to help investigate different ways to treat diseases - such as cancer. Clinical trials involve the use of investigational drugs (also known as study drugs) and drug delivery methods. Each study tries to answer specific scientific questions about different ways to prevent, diagnose, and treat whatever disease it is addressing.

### Why are Clinical Trials Important?

Clinical trials contribute to the overall knowledge and progress made in developing therapies for diseases, such as cancer. These research studies are conducted to determine if a study drug or delivery method is safe and effective. Patients who agree to participate may possibly benefit from the research study, while receiving the best current standard treatment as well.

### How are Clinical Trials Structured?

Clinical trials are structured into four phases:

In *Phase I clinical trials*, researchers test a study drug in a small group of people (20 to 80) for the first time to evaluate its safety, determine a safe dosage range, and identify side effects.

In *Phase II clinical trials*, the study drug is tested in a larger group of people (100 to 300) to measure its effectiveness and further evaluate its safety.

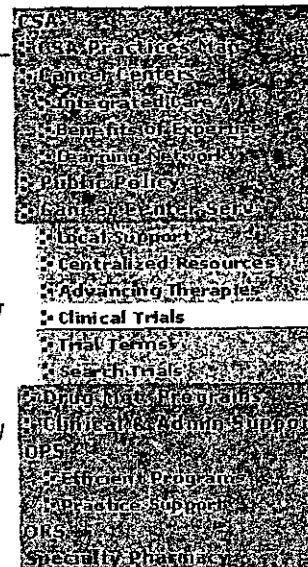
In *Phase III clinical trials*, the study drug is tested in large groups of people (1,000 to 3,000) to confirm its effectiveness, monitor side effects, compare it to approved standard treatments, and collect information that will allow the study drug to be used safely.

In *Phase IV clinical trials*, the drug is tested after it has been marketed to collect information about its effect in various populations and about any side effects associated with long-term use.

### What Happens During a Clinical Trial?

In many trials, if the patient is eligible and agrees to participate through Informed Consent, the patient is randomized (by chance, like a coin toss) to either receive the current standard treatment, or the current standard treatment and the study drug regimen. If no standard treatment is available, a trial may compare the study drug to a placebo, which is similar to the study drug, but contains no active ingredient. During a trial, patients are treated and monitored by a team of health care professionals. This team will give the patient specific instructions about the trial, about more tests, and additional doctor's visits that might be required.

Throughout the clinical trial, you come first. If there is no improvement or you experience intolerable side effects, you and your physician can decide to discontinue trial participation and resume other



treatment options. Should you do so, your decision will be respected without any effect on future treatment plans.

#### Why Do Some Cancer Patients Choose to Participate in Clinical Trials?

Some cancer patients may participate because they are hoping for a possible cure and longer life or a way to feel better. Others find that the current standard therapies are not optimal for their cancer and wish to be among the first to participate in a research study and receive an investigational drug. Whatever the reason, participation could make a difference in a patient's future, as well as in the lives of future cancer patients.

#### How Do I Know If I Should Participate in a Clinical Trial?

The decision to participate in a clinical trial is one that only you can make, with the help of your physician and the people close to you. If you are interested in participating in a clinical trial, you will be informed of the clinical trial's potential benefits and drawbacks before making your decision. If the investigational drug is proven to be effective, you may be among the first to benefit. In addition, through your participation in a research study, you will also be helping future cancer patients.

#### Are There Risks Involved in Participating?

Because clinical trials are research studies, study drugs may not be better than current standard drugs or treatments. In addition, you may experience side effects that are worse than those of current standard drugs and treatments. Also, your health insurance company or managed care provider may not cover all of the patient care associated with a clinical trial. All of these factors should be discussed thoroughly with your physician and those close to you before deciding whether or not to participate in a clinical trial.

#### Where are the Trials Held?

Many clinical trials may be available right in your own community. Ask your physician for specific information or [search the US Oncology clinical trial list](#) to find a current US Oncology trial in your region.

#### How Do I Learn More About a Specific Clinical Trial?

Through a process called "Informed Consent," you will learn the key facts about a particular clinical trial before making a decision about participating. Your doctor will explain the purpose and requirements of the study, including any potential drawbacks and benefits. If you agree to take part in the trial, you will be asked to review and sign a form that outlines the study's details prior to participating.

#### How Do I Get More Information?

Consult your physician to find out whether or not there is a clinical trial that would be appropriate for your care. If you are a US Oncology patient, your physician has information on clinical trials that are being held throughout the company's national research network. Or you can [search a list of all current US Oncology clinical trials](#) for more specific information.

For more details on clinical trial research conducted by the US Oncology network, please click [USON Research](#).

For definitions of the clinical trial terms used on this site, please click [Trial Terms](#).

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**State Laws Addressing Third-Party Reimbursement for Clinical Trials for the Treatment of Cancer**  
(as of September 30, 2007)

State	Statute	Coverage Requirements		Types of Insurers Covered				Clinical Trial Phases Covered				
		Mandatory Coverage	Mandatory Offer	Prohibits Exclusion of Coverage	Private Insurers	Specified Managed Care	Medicaid/Other Medical Assistance	Public Employee Health Plans	Phase I	Phase II	Phase III	Phase IV
Arizona	ARIZ. REV. STAT. ANN. §§ 20-1342.03, 20-826.01, 20-1057.07, 20-1402.01, 20-1404.01, and 20-2328	X <sup>1</sup>			X	X			X	X	X	X
California	CAL. HEALTH & SAFETY CODE § 1370.6; CAL. INS. CODE § 10145.4; and CAL. WELF. & INST. CODE § 14132.98	X <sup>2</sup>			X	X	X		X	X	X	X
Connecticut	CONN. GEN. STAT. ANN §§ 38a-504a to 38a-504g and 38a-542a to 38a-542g	X <sup>3</sup>			X						X	
Delaware*	DEL. CODE ANN. tit. 18, § 3567	X <sup>4</sup>			X							
Georgia	GA. CODE ANN. § 33-24-59.1	X <sup>5</sup>			X	X		X		X <sup>6</sup>	X <sup>6</sup>	
Louisiana	LA. REV. STAT. ANN. § 22:230.4	X			X	X		X		X	X	X
Maine*	ME. REV. STAT. ANN. tit. 24-A, §§ 4301-A and 4310	X			X	X						
Maryland	MD. CODE ANN., INS. § 15-827	X			X	X			X	X	X	X
Massachusetts	MASS. GEN. LAWS ANN. ch. 175, § 110L	X <sup>4</sup>			X	X			X	X	X	X
Missouri	MO. REV. STAT. § 376.429	X			X	X				X	X	X
Nevada	NEV. REV. STAT. §§ 689A.04033, 689B.0306, 695B.1903, 695C.1693, and 695G.173	X			X	X			X	X	X	X
New Hampshire	N.H. REV. STAT. ANN. § 415:18-I	X <sup>7</sup>			X	X			X	X	X	X
New Mexico	N.M. STAT. ANN. § 59A-22-43	X <sup>4</sup>			X	X	X			X	X	X
North Carolina*	N.C. GEN. STAT. ANN. § 58-3-255	X			X	X				X	X	X
Rhode Island	R.I. GEN. LAWS §§ 27-18-36, 27-18-36.2, 27-19-32 to 27-19-32.3, 27-20-27 to 27-20-27.3, and 27-41-41 to 27-41-41.3	X			X	X				X	X	X
Tennessee	TENN. CODE ANN. § 56-7-2365	X <sup>4</sup>			X	X			X	X	X	X
Vermont	VT. STAT. ANN. tit. 8, § 4088b <sup>a</sup>	X			X	X	X					
Virginia	VA. CODE ANN. §§ 2.2-2818 and 38.2-3418.8	X			X	X		X	X <sup>9</sup>	X	X	X

## State Laws Addressing Third-Party Reimbursement for Clinical Trials for the Treatment of Cancer (as of September 30, 2007)

State	Statute	Coverage Requirements			Types of Insurers Covered				Clinical Trial Phases Covered			
		Mandatory Coverage	Mandatory Offer	Prohibits Exclusion of Coverage	Private Insurers	Specified Managed Care	Medicaid/Other Medical Assistance	Public Employee Health Plans	Phase I	Phase II	Phase III	Phase IV
West Virginia	W. VA. CODE §§ 5-16-7d, 5-16-7e, 5-16B-6a, 5-16B-6b, 9-2-12, 9-2-12a, 33-25F-1, and 33-25F-2	X <sup>4</sup>			X	X	X	X		X	X	X
Wisconsin	WIS. STAT. ANN. §§ 632.87 and 40.51			X <sup>4</sup>	X			X	X	X	X	X

Note: Because arrangements for the reimbursement of clinical trials for several states fall outside the scope of the State Cancer Legislative Database protocols, those states are not included herein. Michigan and New Jersey, for example, instituted special non-legislative agreements whereby insurers voluntarily cover routine medical care that is part of a clinical trial. According to the state employee benefits handbook, Ohio provides coverage for cancer treatment clinical trials to state employees who are enrolled in the state employee health benefit plan. In Georgia, a non-legislative agreement among a number of private health plans and state-based plans provides coverage for adults and children.

\* Laws in Delaware, Maine, and North Carolina provide coverage of clinical trials for life threatening medical conditions and not specifically for the treatment of cancer.

<sup>1</sup> Indicated insurers are only obligated to provide coverage for covered patient costs that are directly associated with the clinical trial.

<sup>2</sup> Coverage requirement applies only to routine patient care costs related to cancer clinical trials having a therapeutic purpose, upon recommendation by a treating physician.

<sup>3</sup> In order to be eligible for coverage, clinical trials for the *prevention of cancer* must be a Phase III trial that involves a therapeutic intervention and is conducted at multiple institutions under the auspices of an independent peer-reviewed protocol approved by a specified Federal authority.

<sup>4</sup> Coverage requirement applies only to clinical trials that have a therapeutic intent.

<sup>5</sup> Coverage requirement applies only to routine patient care costs incurred in connection with clinical trials for the treatment of children's cancer.

<sup>6</sup> Applies only to Phase II or III prescription drug clinical trial programs.

<sup>7</sup> Coverage for Phase I and Phase II clinical trials is decided on a case-by-case basis.

<sup>8</sup> Requires the state Department of Banking, Insurance, Securities, and Health Care Administration to issue regulations that specify the requirements for coverage of routine costs for patients who participate in approved cancer clinical trials conducted by specified providers. Coverage requirements are included in Regulation H-2001-04.

<sup>9</sup> Treatment in a Phase I clinical trial may be covered on a case-by-case basis.



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## The Access To Cancer Clinical Trials Act of 2009 (Rep. Sue Myrick)

January 30th, 2009

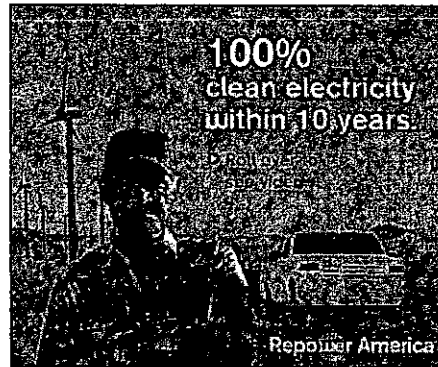
Clinical trials are so critical for patients and or medical research, yet many patients find that their health insurance won't cover the rest of their routine cancer treatment if they decide to enroll in clinical trials. We're not asking insurance companies to pay for clinical trials. This bill simply state that insurers must continue to pay for routine treatments — that they would be paying for regardless — if patients enroll in a clinical trial.

No patient should ever have to fear exploring all treatment options at the cost of losing coverage. We should be encouraging participation in clinical trials, not discouraging it by removing coverage for routine care. Were it not for patients who have enrolled in past trials, the medial advancements we've experienced toward finding a cure for cancer would not be possible.

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By N.C. GOP Rep. Sue Myrick

This entry was posted on Friday, January 30th, 2009 at 5:08 pm and is filed under [Healthcare](#), [Lawmaker News](#).



- **QUESTIONS & ANSWERS**
- This section is a



American Society of Clinical Oncology

February 17, 2009

The Honorable Bettye Davis  
Alaska State Senator  
District K  
Capitol Building Room 30  
Juneau, AK 99801-1182

Dear Senator Davis:

The Denali Oncology Group and American Society of Clinical Oncology are pleased to offer support for your legislation to require insurance coverage for people who participate in clinical trials. Our organizations represent physicians specializing in cancer treatment and clinical research, and clinical research is a vital mission of our membership.


Clinical trials are critically important because they offer the promise of new cancer treatments. As you know from personal experience, they also provide an essential, state-of-the-art treatment option for current cancer patients. Therefore, insurance coverage of the routine patient care costs associated with clinical trials is vital for cancer patients.

For many people with cancer, participation in a clinical trial is often their best treatment option. Yet, as you know, many third-party payers take the position that routine patient care costs should be denied to anyone who enrolls in such trials. We believe such policy deprives beneficiaries of the value of their health insurance, wrongly restricts their treatment options, and inhibits medical progress against serious and life-threatening diseases. DOG and ASCO believe that insurers should cover all routine care costs for patients who are enrolled in cancer clinical trials. Your legislation is the key to making this happen.

DOG and ASCO applaud your leadership in pursuing legislation that provides this essential element of quality cancer care. We are eager to work with you to ensure passage. Please do not hesitate to contact Suanna Bruinooge, ASCO's Director of Research Policy, at 571-483-1613 or [suanna.bruinooge@asco.org](mailto:suanna.bruinooge@asco.org), or Dr. Mary Stewart at [mstewartonc@yahoo.com](mailto:mstewartonc@yahoo.com) or 907-279-3155.

Sincerely,

Mary Stewart, MD  
President, Denali Oncology Group

  
Joseph S. Bailes, MD  
Chair, ASCO Government Relations Council



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**American Society of Clinical Oncology  
Statement In Support of Insurance Coverage for Clinical Trials**

With more than 26,000 members worldwide, ASCO is the leading medical society for physicians involved in cancer treatment and research. Engagement in clinical research is a vital mission of ASCO members. Unfortunately, many cancer patients have limited curative treatment options and enrollment in a clinical trial may offer hope for a response to a new drug or other intervention. Oncologists want their patients to consider enrolling in clinical trials, not only because of potential treatment benefits for the individual patient but also because it is through these trials that general progress against cancer is achieved. Patients are usually eager to participate if given the opportunity. ASCO considers the opportunity to participate in cancer clinical trials as an essential element of quality cancer care.

Unfortunately, participation in clinical trials is significantly deterred by the prospect that insurance coverage may be withheld on the ground that treatment provided in trials is "experimental" or "investigational." This position has been effectively discarded by the federal Medicare program, as well as by the Department of Defense health care system, and by many states. ASCO strongly supports state and federal efforts to ensure that patients enrolled in clinical trials receive coverage for the routine health care costs that would be covered if they did not participate on a trial. It is a basic issue of fairness, and it will help ensure that we continue to improve treatment options for cancer patients and learn about this devastating group of diseases.

What is a Clinical Trial?

Clinical trials are research studies involving people. Clinical trials are designed to evaluate whether a new treatment is safe, effective, and better than the current standard of care. These interventions can include new drugs, new combinations of existing therapies, new approaches to radiation therapy or surgery, new methods of treatment, complementary or alternative therapies, and new prevention methods. Cancer clinical trials are designed to compare an investigational therapy with the standard treatment regimen being used at the time. Placebo-controlled clinical trials in cancer research are rare, but are used when there is no effective, standard treatment available.

Cancer clinical trials have led to scientific advances that have increased doctors' understanding of how and why tumors develop and grow. The knowledge gained has helped scientists and doctors develop new ideas on how

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to slow, halt, and even prevent the development of the disease. Clinical trials are the most reliable route to definitive answers and are the only accepted scientific method to determine if a new treatment works better than the current standard of care.

Clinical trials undergo rigorous review prior to opening and involve regular oversight during and after a trial to protect the safety and rights of the participants involved. Each clinical trial follows a set of rules called a protocol. A protocol describes inclusion and exclusion criteria; the schedule of tests, procedures, medications, and doses; and the length of the study. While in a clinical trial, participants are seen regularly by the research staff to monitor their health and determine the safety and effectiveness of the treatment.

Precedents for Clinical Trials Coverage

For more than two decades, the cancer community has expressed its concerns about the negative impact of restrictions on coverage of clinical trials by third-party payers, both public and private. Such restrictions are harmful not only to individual patients but also to overall progress against cancer. In 1999, public authorities began to respond favorably to these arguments and to reform their coverage policies with respect to clinical trials.

Pursuant to a negotiated agreement between the National Cancer Institute (NCI) and the Department of Defense (DoD), the DoD's TRICARE health care plan commenced coverage of NCI-sponsored clinical trials in 1999. The original agreement, began as a pilot project, was made a permanent benefit in March 2008, accompanied by a DoD press release describing it as "a long successful project between the NCI and DoD."

In 2000, the Medicare program took a more expansive approach to clinical trial coverage. In an Executive Memorandum, President Clinton instructed Medicare officials to adopt a clinical trials policy covering not just cancer trials but all diseases and all phases. To implement the policy, the Centers for Medicare & Medicaid Services (then the Health Care Financing Administration) published a National Coverage Determination in September 2000.

State governments have also been active in ensuring coverage of clinical trials by private insurance plans under their control. Almost half of the states throughout the U.S. enjoy coverage of clinical trials, either through legislation

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or through voluntary consensus agreements with insurers, and more are considering such requirements.

Impact of Policy Changes on Clinical Trial Participation

One of the nation's leading cooperative research groups, the Southwest Oncology Group (SWOG), has conducted studies that underscore the impact of the Medicare coverage policy on clinical trial participation among the elderly. In 1999, SWOG published a study finding significant underrepresentation of the elderly in cancer clinical trials.<sup>1</sup> The study found that, whereas 63% of cancer patients were Medicare eligible, seniors were only 25% of those patients participating in SWOG clinical trials during the period 1993-1996. Following the Medicare coverage policy in 2000, a second SWOG study found there was a significant increase in participation among Medicare beneficiaries, with seniors representing 38% of SWOG trial participants in the period 2001-2003.<sup>2</sup>

Cost of Clinical Trials Coverage

While there have been no definitive studies of the cost consequences of clinical trial coverage, there have been a series of articles finding that participation in clinical trials "did not result in substantial increases in the direct costs of medical care,"<sup>3</sup> that "[c]linical protocols may add relatively little to that cost,"<sup>4</sup> and that "additional costs of an open reimbursement policy for government-sponsored cancer clinical trials appear minimal."<sup>5</sup> And with almost eight years of experience with the 2000 Medicare coverage policy, there is no evidence of increased cost to the program.

Conclusion

In light of the experience described above, we heartily support efforts to ensure that health plans and all insurers provide coverage for the routine costs

<sup>1</sup> Hutchins et al., "Underrepresentation of Patients 65 Years of Age or Older in Cancer-Treatment Trials," *N Engl J Med* 341: 2061-2067 (1999).

<sup>2</sup> Unger et al., "Impact of the Year 2000 Medicare Policy Change on Older Patient Enrollment to Cancer Clinical Trials," *J Clin Oncol* 24:141-144 (2006).

<sup>3</sup> Fireman et al., "Cost of Care for Patients in Cancer Clinical Trials," *J Natl Cancer Inst* 92:136-142 (2000).

<sup>4</sup> Wager et al., "Incremental Costs of Enrolling Cancer Patients in Clinical Trials: a Population-Based Study," *J. Natl. Cancer Inst* 91:847-853 (1999).

<sup>5</sup> Goldman et al., "Incremental Treatment Costs in National Cancer Institute-Sponsored Clinical Trials," 289:2970-2977 (2003).

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associated with clinical trials participation. ASCO members strive to ensure access to the best treatment options for their cancer patients, and this requires that health insurers offer clinical trials coverage. We think it is clear that best cancer care and best health care coverage require access to high quality cancer clinical trials.

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February 17, 2009

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The Honorable Bettye Davis, Chair  
Senate Health and Social Services Committee  
Alaska State Capitol, Room 30  
Juneau, AK 99801-1182

RE: SB 10 (Davis)--Support

Dear Chair Davis,

On behalf of the members of AARP in Alaska, we encourage you and your colleagues on the Senate Health and Social Services Committee to support SB 10, authored by you.

SB 10 would require insurance programs, including Medicaid, to provide coverage for cancer victims undergoing clinical trials just as they would if the individual was not in the trial.

Most of our significant advances in cancer treatment that have become standard procedures began as clinical trials.

It makes no sense not to offer health insurance coverage for procedures that may be still considered experimental but offer some hope for the cancer victim. We purchase insurance (or the State provides it through Medicaid) so that we can have help with the costs that accompany a threatening disease. SB 10 is one of those bills that AARP believes makes sense, especially to a cancer victim and his/her family.

AARP recommends an "AYE" vote on SB 10.

Should you have any questions about our position, please feel free to contact me (586-3637) or Patrick Luby, AARP Advocacy Director (907-762-3314).

Thank you for your consideration.

Sincerely,

Marie Darlin, Coordinator  
AARP Capital City Task Force  
415 Willoughby Avenue, Apt. 506  
Juneau, AK 99801  
586-3637 (voice)  
463-3580 (fax)

CC: Vice-Chair Joe Paskvan  
Senator Joe Thomas

Senator Fred Dyson  
Senator Johnny Ellis

SB 280 Testimony 4/3/08

Jeanne E. Anderson, MD  
Katmai Oncology Group, LLC  
3851 Piper Street, Suite U340  
Anchorage, AK 99508-4627

I am Jeanne Anderson, a Medical Oncologist in practice in Anchorage. On behalf of Alaska cancer physicians and patients, I thank the members of the Labor and Commerce Committee members for considering this bill. It is predicted that 2,650 Alaskans will be diagnosed with cancer in 2008. In the 1970's, only 50% of cancer patients lived 5 years after diagnosis. In 2008, 66% are predicted to survive 5 years. We all know that many Alaskans die of cancer every day and that improvements are desperately needed. The cancer physicians in Alaska are committed to providing the best care possible to our patients, to relieve suffering and reduce death from cancer. In caring for our patients, we often turn to clinical trial as providing the best treatment for our patients. A clinical trial is a formal, scientific way to test whether a new treatment is safe, effective, and superior to existing treatments. The physicians and hospitals in Alaska support clinical trials and there are over 50 trials open in this state for our cancer patients. However, only a small number of our patients enroll on these clinical trials, approximately 40 per year. There are many reasons why enrollment is low. These reasons include lack of knowledge or interest on the part of the patient or physician, lack of availability of an appropriate trial for the patient, and (relevant to this bill) lack of insurance coverage or fear by the patient they will lose coverage if enrolled on a study. Passage of this bill will clearly remove an important barrier to access of a clinical trial. It will result in Alaska physicians providing improved care for our patients, reducing the burden of cancer in our population, and facilitating patients to stay in Alaska for state-of-the-art care.

April 2, 2008

Testimony to Support SB280

To

Senate Labor & Commerce Committee,

I am a medical oncologist-hematologist practicing in Anchorage.

Hence I am involved in caring for many, many patients with cancer, which are oftentimes deadly.

As yet, many cancers do not have curative treatments. One of the options I offer to all my patients is to consider treatment under clinical trials- scientifically conducted studies by approved medical organizations to try & improve cancer care.

Unfortunately, due to Insurers denying coverage for routine medical care when patients enter clinical trials, patients very obviously & naturally, decline to participate in clinical trials.

In my opinion, this state of affairs is a major handicap for patients/ individuals in Alaska to receive State of Art Care for Cancer & related problems in Alaska.

Just to give you an example, Herceptin is now used in early breast cancer treatment as the women with breast cancer who participated proved its efficacy in a clinical trial. This trial included at least 2 women in Alaska.

I wholeheartedly support SB280 & sincerely hope your committee members will too for all of our sakes.

Sincerely,

Latha Subramanian MD, FACP



National Surgical Adjuvant Breast and Bowel Project

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412/330-4661 Fax

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Norman Wolmark, MD  
Chairman

TESTIMONY OF D. LAWRENCE WICKERHAM, MD,  
ASSOCIATE CHAIRMAN OF THE NSABP, CONCERNING SB280

I am Dr. Lawrence Wickerham, the Associate Chairman of the National Surgical Adjuvant Breast and Bowel Project (NSABP), which is one of the National Cancer Institute's Cooperative Trials Groups.

The NSABP conducts large phase III studies that compare standard treatments with newer innovative therapies in patients with early stage breast or colorectal cancer. The group's mission is to improve the survival and quality of life of these patients. 2008 is the 50<sup>th</sup> anniversary of the NSABP and over those years we have entered over 130,000 individuals into our trials. Today we have 200 participating centers and 300 satellite centers located throughout the U.S., Canada, Puerto Rico, and Ireland, and we do have centers in Alaska.

Results of previous NSABP studies have had a major impact in improving the care of both breast and bowel cancer. The results of our breast cancer studies have eliminated the use of true radical mastectomies, demonstrated that lumpectomy is an effective alternative, and we have shown that adjuvant treatment (treatment after surgery) can improve survival. Adjuvant therapy for breast cancer includes chemotherapy, hormonal therapy, and newer targeted treatments.

Figures from the American Cancer Society demonstrate that the mortality rate from breast cancer in the U.S. has declined for over a decade. This improvement is thought to be the result of screening mammograms to detect the disease and improvements in treatment. These improvements in care come primarily from clinical

D. Lawrence Wickerham, MD

trials like those conducted by the NSABP. The more patients that enter these studies, the more quickly we get results and the faster we can improve care. Unfortunately, for a variety of reasons, less than 5% of cancer patients choose to enter clinical trials. Cost is a major barrier.

Requiring health care insurers to cover the standard of care costs for individuals participating in cancer clinical trials would remove one significant barrier to increasing participation. Any research trial includes two general categories of costs: 1) research costs – expenses that the patient would not routinely incur if he or she was not a part of the trial (extra lab tests, x-rays, etc.), and 2) standard of care costs – expenses that would occur whether or not the patient entered the trial.

NSABP studies routinely identify the non-standard of care components. We provide the drug(s) being studied and typically provide additional non-federal funding to help defray the costs of trial participation, including the cost of non-standard of care items. The goal is to minimize any additional costs to the patient, improve trial participation and improve cancer care in general.

I and the NSABP strongly urge you to enact this bill so that cancer patients in Alaska can have improved access to state-of-the-art research studies like those available to patients in other states.

Thank you for listening to my testimony and I would be pleased to try to answer your questions.



*American Association  
for Cancer Research*



Association of  
American Cancer Institutes



American Society of Clinical Oncology

December 1, 2008

Kevin J. Cullen, MD  
Director, University of Maryland  
Mariene and Stewart Greenebaum Cancer Center  
22 South Greene Street  
Baltimore, MD 21201

Dear Dr. Cullen:

This letter is written in follow-up to our recent discussions about Medicare coverage of routine patient care costs for beneficiaries participating in phase I cancer clinical trials. As the world's leading professional and scientific organizations representing oncology cancer care professionals, we write to affirm our position that phase I cancer clinical trials are the essential gateway for advancement of new cancer treatments—and a vital component of our cancer treatment armamentarium.

It is the view of the undersigned organizations that the current Medicare National Coverage Determination (NCD) (310.1) for Routine Costs in Clinical Trials explicitly includes coverage of phase I cancer clinical trials and that these trials should be covered.

#### **Requirements for Medicare Coverage**

The NCD lays out three basic requirements for Medicare coverage:

- The subject or purpose of the trial must be the evaluation of an item or service that falls within a Medicare benefit category (e.g., physicians' service, durable medical equipment, diagnostic test) and is not statutorily excluded from coverage (e.g., cosmetic surgery, hearing aids).
- The trial must not be designed exclusively to test toxicity or disease pathophysiology. It must have therapeutic intent.
- Trials of therapeutic interventions must enroll patients with diagnosed disease rather than healthy volunteers. Trials of diagnostic interventions may enroll healthy patients in order to have a proper control group.

The NCD also requires that clinical trials covered under the policy have seven "desirable characteristics."

1. The principal purpose of the trial is to test whether the intervention potentially improves the participants' health outcomes;
2. The trial is well-supported by available scientific and medical information or it is intended to clarify or establish the health outcomes of interventions already in common clinical use;

3. The trial does not unjustifiably duplicate existing studies;
4. The trial design is appropriate to answer the research question being asked in the trial;
5. The trial is sponsored by a credible organization or individual capable of executing the proposed trial successfully;
6. The trial is in compliance with Federal regulations relating to the protection of human subjects; and
7. All aspects of the trial are conducted according to the appropriate standards of scientific integrity.

The policy also states that certain trials "are presumed to meet these characteristics and are automatically qualified to receive Medicare coverage." Trials that are automatically deemed include:

1. Trials funded by NIH, CDC, AHRQ, CMS, DOD, and VA;
2. Trials supported by centers or cooperative groups that are funded by the NIH, CDC, AHRQ, CMS, DOD and VA;
3. Trials conducted under an investigational new drug application (IND) reviewed by the FDA; and
4. Drug trials that are exempt from having an IND under 21 CFR 312.2(b)(1) will be deemed automatically qualified until the qualifying criteria are developed and the certification process is in place. At that time the principal investigators of these trials must certify that the trials meet the qualifying criteria in order to maintain Medicare coverage of routine costs. This certification process will only affect the future status of the trial and will not be used to retroactively change the earlier deemed status."

#### **Phase 1 Cancer Clinical Trials Have Therapeutic Intent**

The National Cancer Institute's (NCI) Investigator Handbook is instructive as to the therapeutic intent of a Phase I trial. That handbook includes the following information about phase 1 cancer clinical trials (emphasis added):

Phase 1 trials determine a safe dose for Phase 2 trials and define acute effects on normal tissues. In addition, these trials examine the agent's pharmacology and may reveal evidence of antitumor activity. **Therapeutic intent is always present in Phase 1 trials;** indeed, anticancer agents are not tested in patients unless preclinical activity studies have already demonstrated evidence of significant activity in laboratory models.<sup>1</sup>

The Food and Drug Administration (FDA) has also adopted a definition of phase 1 trials that is consistent with the NCI's definition. FDA states that phase 1 studies "are designed to determine the metabolic and pharmacologic actions of the drug in humans, the side effects associated with increasing doses, and, if possible, to **gain early evidence of effectiveness.**" This early evidence of effectiveness is the grounding for therapeutic intent – both in the choice of oncologists and patients to enroll in the trial, and as one of the aims of the trial.

Although the scientific goals of a phase 1 trial are to determine the toxic effects, pharmacologic behavior, and recommended doses for future study of a new agent, there is always a strong preclinical

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<sup>1</sup> Available on the NCI website at <http://ctep.cancer.gov/handbook/index.html>

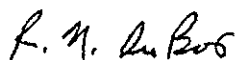
rationale for bringing the drug into the clinic with the expectation of positive clinical outcomes for some patients.<sup>2</sup> In fact, Institutional Review Boards would not permit the administration of potentially toxic treatments to patients unless there was some reasonable prospect of antitumor effect.<sup>3</sup> It is also important to note that phase 1 oncology treatment trials are never done in healthy volunteers because of the potential toxicities associated with the treatments under investigation.

Additionally, many of the NCI phase 1 trials involve agents that are already approved for the treatment of one type of cancer and are being studied in a different type of cancer, or in combination with other treatments. As a result, we have some evidence of therapeutic effectiveness that provides solid grounding on which to base therapeutic intent. Indeed, an analysis of 12,000 individuals who participated in 460 NCI-funded phase 1 trials done in 2005 found that 10.6% of patients experienced an objective response. This number increased to 17.8% of patients when one drug included in the trial regimen was already FDA-approved.<sup>4</sup>

Furthermore, our growing knowledge of the molecular basis of cancer is allowing us to increasingly develop treatments that are targeted to particular molecular pathways and personalized to specific patient populations. These types of agents will provide a "high pretreatment probability of achieving both an objective response and more subjective clinical benefit" for the trial participants.<sup>5</sup>

To bring about these exciting new developments in cancer treatment, clinical trials participation is required. It is particularly important in the Medicare-aged population not only because of the increased incidence of cancer in the elderly and but also to develop our understanding of how treatments work in this population. Both the NCI and FDA definitions demonstrate that phase 1 oncology trials meet the requirements for Medicare coverage, including therapeutic intent, and should be covered.

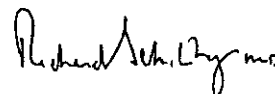
Sincerely,



Raymond N. DuBois, MD, PhD  
President  
American Association for  
Cancer Research



Edward J. Benz, Jr., MD  
President  
Association of American  
Cancer Institutes



Richard L. Schilsky, MD  
President  
American Society of  
Clinical Oncology

<sup>2</sup> ASCO: Critical role of phase 1 clinical trials in cancer treatment. *J Clin Oncol* 15:853-859, 1997.

<sup>3</sup> Kodish E, Stocking C, Ratain MJ, et al: Ethical issues in phase I oncology research: A comparison of investigators and IRB chairpersons. *J Clin Oncol* 10:1810-1816, 1992.

<sup>4</sup> Horstmann E, McCabe MS, Grochow L, et al: Risks and benefits of phase 1 oncology trials, 1991 through 2002. *New Engl J Med* 352:895-905, 2005.

<sup>5</sup> Markman M: Further evidence of clinical benefits associated with participation in phase 1 oncology trials. *B J Cancer* 98:1021-1022, 2008.



**Alaska**

January 20, 2009

The Honorable Bettye Davis  
Alaska State Senate  
State Capitol Building  
Juneau, Alaska 99801-1182

RE: Senate Bill 10

Dear Senator Davis,

On behalf of the National Federation of Independent Business/Alaska, I wish to express our opposition to Senate Bill 10. The National Federation of Independent Business is the largest small-business advocacy group in the Alaska.

Health-care costs have been the No. 1 issue facing small-business owners since 1986, and those concerns are growing, according to NFIB's members. As health-care costs go through the roof, small-business owners have very few choices when selecting insurance coverage for their employees. The tipping point is here, and small businesses are begging for solutions to rising health-care costs, lack of access and other issues.

For many small employers in Alaska insurance premiums for small groups or single coverage have increased by more than 82 percent since 2000, a jaw-dropping statistic. This is completely unsustainable over the long-term. Much of the increase is driven by the additions to coverage by state mandates

Unfortunately, SB10 mandates specified coverage of medical care coverage during specified clinical trials that may not fit employee's needs but for which small employers providing health insurance bear the cost. Increased mandates force employers to consider whether they can afford to continue coverage or are forced

The Honorable Betty Davis

January 20, 2009

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by increased prices to eliminate health insurance for their employees. Mandates prevent small employers from providing affordable insurance programs tailored to its specific work force.

SB 10 is discriminatory against small employers as the mandate applies to those who provide coverage regulated by state insurance statutes, but not programs offered by the state and other governmental entities or large employers who typically offer ERISA programs. Thus it creates a less fair business environment for small employers.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Dennis L. DeWitt", with a stylized flourish at the end.

Dennis L. DeWitt  
Alaska State Director