



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4857

by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

New Act

Creates the Cancer Patient Choice Act. Provides that commercial insurance that covers specified radiation therapy for the delivery of a biological effective dose shall cover the delivery of the same biological effective dose for the same indication with physician-prescribed proton therapy and pay the same aggregate amount as an in-network service. Provides that the appropriate course of radiation therapy shall be determined and prescribed by the patient's treating radiation oncologist. Provides that the benefits required under the Act are subject to deductible and co-insurance amounts within the policy if the deductible and co-insurance are no greater than the deductible and co-insurance established for all other similar benefits within that policy. Provides that the Act does not apply to certain insurance coverage. Effective January 1, 2019.

LRB100 18834 SMS 34076 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Cancer
5 Patient Choice Act.

6 Section 5. Definitions. As used in this Act:

7 "Aggregate amount" means the total amount paid by a
8 commercial insurer to deliver a biological effective dose.

9 "Biological effective dose" means the total prescribed
10 radiation dose delivered in a course of radiation therapy
11 treatments to induce tumor cell death.

12 "Commercial insurance" includes:

13 (1) an individual or group health insurance policy
14 providing coverage on an expense incurred basis;

15 (2) an individual or group service contract issued by a
16 hospital or medical service corporation;

17 (3) an individual or group service contract issued by a
18 health maintenance organization;

19 (4) a self-insured group arrangement to the extent not
20 preempted by federal law that is delivered, issued for
21 delivery, or renewed in this State on or after the
22 effective date of this Act; and

23 (5) a health insurance policy, health plan, group

1 arrangement, or contract in effect on the effective date of
2 this Act.

3 "Eligible adult patient" means a patient who is more than
4 18 years of age and is prescribed proton therapy for the
5 treatment of cancer in place of intensity modulated radiation
6 therapy.

7 "Intensity modulated radiation therapy" means a type of
8 conformal radiation therapy that delivers x-ray radiation
9 beams of different intensities from many angles for the
10 treatment of tumors.

11 "Proton therapy" means the advanced form of radiation
12 therapy that utilizes protons as an alternative radiation
13 delivery method for the treatment of tumors.

14 "Radiation therapy" means the delivery of a biological
15 effective dose with proton therapy, intensity modulated
16 radiation therapy, brachytherapy, stereotactic body radiation
17 therapy, 3-dimensional conformal radiation therapy, or other
18 forms of therapy using radiation.

19 "Treatment dose" means the amount of radiation delivered in
20 a single treatment or fraction of radiation therapy.

21 Section 10. Cancer patient's choice.

22 (a) To afford an eligible adult patient the right to choose
23 the radiation therapy delivery method that his or her physician
24 determines will result in the best clinical outcome and to
25 establish parity among the various methods of delivering

1 radiation therapy, all commercial insurance that covers
2 intensity modulated radiation therapy for the delivery of a
3 biological effective dose for a particular indication shall
4 cover the delivery of the same biological effective dose for
5 the same indication with physician-prescribed proton therapy
6 and pay the same aggregate amount as an in-network service.

7 (b) The appropriate course of intensity modulated
8 radiation therapy and, where appropriate, the alternative
9 course of proton therapy to deliver the same biological
10 effective dose shall be determined and prescribed by the
11 eligible adult patient's treating radiation oncologist, who
12 must be board certified or board eligible in the specialty of
13 radiation oncology.

14 (c) The benefits required by this Act are subject to the
15 annual deductible and co-insurance established for radiation
16 therapy and other similar benefits within the policy or
17 contract of insurance if the annual deductible and co-insurance
18 for a radiation therapy delivery method permitted by this
19 Section are no greater than the annual deductible and
20 co-insurance established for all other similar benefits within
21 that policy or contract of insurance.

22 (d) This Act does not apply to insurance coverage providing
23 benefits for the following policies:

- 24 (1) hospital confinement indemnity;
25 (2) disability income;
26 (3) accident-only;

- 1 (4) long-term care;
- 2 (5) limited benefit health;
- 3 (6) specific disease indemnity;
- 4 (7) sickness or bodily injury or death by accident; or
- 5 (8) other limited benefit policies.

6 Section 99. Effective date. This Act takes effect January
7 1, 2019.