



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
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The Honorable John Carney
Governor

John McNeal
SCPD Director

MEMORANDUM

DATE: May 23, 2017

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Ms. Jamie Wolfe, Chairperson
State Council for Persons with Disabilities

RE: H.B. 120 (Health Insurer Cancer Treatment Coverage)

This legislation was introduced on March 30, 2017. As of May 8, it had been released from the House Economic/Banking/Insurance/Commerce Committee and placed on the Ready List. It is earmarked with an incomplete fiscal note.

For background, see the attached summaries from the April 3 and May 8, 2017 Delaware House Democrats e-newsletters. It is estimated that 5,600 Delawareans will be diagnosed with cancer in 2017. Delaware women have the ninth-highest cancer death rate in the country. Unfortunately, some health insurers restrict access to the most effective treatments approved by the FDA. Instead, insurers may require patients to demonstrate failure to respond to a less efficacious drug regimen as a precondition of qualifying for cutting-edge treatments.

The legislation is based on legislation adopted in Georgia which was inspired by former President Jimmy Carter. President Carter was rendered cancer-free after undergoing immunotherapy which shrunk his metastatic melanoma tumors. Immunotherapy is considered one of the most promising approaches to cancer since it activates a patient's immune system to fight cancer instead of attempting to directly destroy cancer cells through chemotherapy. Since enactment in Georgia, the summary notes that similar legislation has been introduced in Maryland and Connecticut.

H.B. No. 120 would bar health insurers regulated by the Delaware Insurance Commissioner which cover treatment of stage 4 advanced metastatic cancer from limiting or excluding access to FDA-approved drugs. Patients would not be required to prove failure of other drugs or demonstrate a history of failed treatment using other drugs. The bill would affect both individual and group health insurance policies. It would be apply to policies issued, delivered, renewed, modified, altered, or amended on or after September 1, 2017.

Given the advantages of prompt access to effective cancer drugs, the SCPD is endorsing the proposed legislation.

Thank you for your consideration and please contact SCPD if you have any questions regarding our position or observations on the proposed legislation.

cc: Mr. Brian Hartman, Esq.
Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

HB 120 health insurer cancer treatment coverage 5-23-17

4-3-17

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Longhurst, Schwartzkopf Bill Addresses Insurance Coverage for Metastatic Cancer Patients



DOVER – Delawareans diagnosed with Stage 4 metastatic cancer would not be forced to first fail a series of treatments before getting approved for cutting-edge therapies under legislation proposed by House Majority Leader Valerie Longhurst and Speaker Pete Schwartzkopf.

Insurance companies have the ability to set coverage guidelines that govern how and when treatments are approved. However, sometimes those guidelines require patients to prove that they failed to respond to initial treatments before they can try advanced therapies.

Under House Bill 120, insurance companies offering health plans that cover treatments for stage 4 metastatic cancers would not be able to limit or exclude innovative treatments for those patients if the treatments have been approved by the U.S. Food and Drug Administration and are consistent with best practices for stage 4 metastatic cancer treatment.

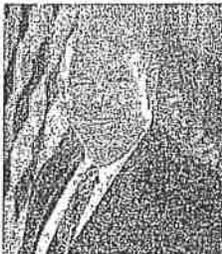
It's critical to improve access to the most innovative treatments for metastatic patients in their time of need, Rep. Longhurst said, adding that these patients cannot afford to delay their care.

"I'll never forget when my grandmother was diagnosed with a brain tumor. I was three months pregnant with my son when doctors gave her six months to live," said Rep. Longhurst, D-Bear. "After my son was born she was able to hold him, but she passed away shortly thereafter. I would have loved for her to have a glimmer of hope, and the chance to try cutting-edge treatments. I know she would want me to work so that future patients have that opportunity and have access to therapies they deserve."

Cancer rates have persisted; the [American Cancer Society \(https://www.cancer.org/research/cancer-facts-statistics/all-cancer-facts-figures/cancer-facts-figures-2017.html\)](https://www.cancer.org/research/cancer-facts-statistics/all-cancer-facts-figures/cancer-facts-figures-2017.html) estimates that in 2017 there will be more than 1.6 million new cancer cases diagnosed in the United States and 600,000 deaths.

[In Delaware \(https://www.cancer.org/content/dam/cancer-org/research/cancer-facts-and-statistics/annual-cancer-facts-and-figures/2017/cancer-facts-and-figures-2017.pdf\)](https://www.cancer.org/content/dam/cancer-org/research/cancer-facts-and-statistics/annual-cancer-facts-and-figures/2017/cancer-facts-and-figures-2017.pdf), the estimated number of cancer cases to be diagnosed in 2017 will exceed 5,600. State health officials say that Delaware women still have the ninth-highest cancer death rate in the country.

HB 120, the Jimmy Carter Cancer Bill, was inspired by President Carter, who was deemed cancer-free after an immunotherapy called Keytruda shrunk his metastatic melanoma tumors.



Rep. Schwartzkopf also knows firsthand how a malignant melanoma diagnosis can change someone's life. The former lifeguard had found a strange spot on his back – right along his spine – that eventually was diagnosed as spindle cell desmoplastic melanoma.

"When I was diagnosed with melanoma, my doctor told me that if the cancer had spread to my bloodstream I would have two months to live," said Rep. Schwartzkopf, D-Rehoboth Beach. "After a painstakingly long week of waiting for test results, I was relieved to learn the cancer had not spread. I feel thankful that doctors were able to catch my cancer early and I was able to get the appropriate treatment and I want the same for patients diagnosed today. With this bill, patients and their families will have the opportunity to receive the treatment they need and not need to fail once, twice or three times before they can utilize a 'wonder drug.'"

Immunotherapy is one of the most promising new cancer treatments, according to the [Cancer Research Institute \(https://www.cancerresearch.org/cancer-immunotherapy\)](https://www.cancerresearch.org/cancer-immunotherapy). These therapies activate a patient's immune system to fight cancer instead of directly destroying cancer cells like chemotherapy treatments.

Similar legislation [recently passed \(http://www.sjc.com/news/state-regional-govt-politics/bill-inspired-jimmy-carter-cancer-treatment-passes-georgia/4A014WAFPXz2XPX4eCelaO/\)](http://www.sjc.com/news/state-regional-govt-politics/bill-inspired-jimmy-carter-cancer-treatment-passes-georgia/4A014WAFPXz2XPX4eCelaO/) overwhelmingly in Georgia, and measures have been introduced in Connecticut and Maryland.

"I know from personal experience that when it comes to cancer treatment, time is of the essence," said Senate President Pro Tempore David B. McBride, D-Hawk's Nest, a survivor of colorectal cancer. "This legislation allows patients in immediate need of care to move forward with potentially life-saving treatments without having to jump through hoops established by an insurance provider."

Delaware's bill is also sponsored by Sens. Brian Bushweller, David Sokola and Bryan Townsend, as well as Reps. Joseph Miro and Ramone.

HB 120 has been assigned to the House Economic Development, Banking, Insurance & Commerce Committee.

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