



## Four More States Succeed in Push for Off-Label Reimbursement

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## Four More States Succeed in Push for Off-Label Reimbursement

by Jamie Young

**T**he first half of 1994 has been a productive one for ACCC's continuing legislative efforts regarding off-label drug reimbursement legislation. Recent enactments of the ACCC off-label drug legislation have pushed the number of states with such laws to 15. Already this year five states have passed the bill: Alabama, Connecticut, Maryland, Ohio, and Virginia. Only two years ago the number of states with such laws was just two, New York and Michigan!

### MONTGOMERY

Senate Bill 582 passed in April but got caught up in the House during a filibuster at the end of the session. As a result, a new bill was substituted and introduced during a special session of the legislature. It moved rapidly through both chambers in early May and was quickly signed by Governor James E. Folsom, Jr., on May 6. The bill took effect immediately upon the governor's signature. The new law applies off-label uses of drugs recognized for the treatment of life-threatening illnesses, such as cancer, AIDS, and coronary heart disease when those uses are indicated in one of the three compendia, in the medical literature, or by the Alabama Commissioner of Insurance. The bill's quick path through the legislative process was due to the collaboration of a number of people, including Terry Lynn Jones, president of the Alabama Oncology Providers Network, an ACCC state chapter; Dr. Harry M. Barnes of the Montgomery Cancer Center; and the Alabama Society of Clinical Oncology. The members of these organizations and ACCC provided much needed support to Senator Larry Dixon and Senator Steve Windom who provided the

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necessary leadership to guide the bill through the legislature.

### HARTFORD

On May 27 Connecticut Governor Lowell P. Weicker, Jr., signed into law a bill assuring access to off-label uses of anticancer drugs for the citizens of that state. It takes effect on October 1, 1994. File #88 (Senate Bill 249) was proposed by Senator Ken Przybysz on behalf of the Connecticut Division of the American Cancer Society. The ACCC Columbus office provided technical expertise from the beginning and on-site testimony in support of the legislation. The bill requires the use of the three compendia to guide reimbursement decisions but does not have provisions for a medical expert panel or use of the peer-reviewed medical literature. Dave Woodmansee of the American Cancer Society and Dr. Salvatore Del Prete, president of the Connecticut Oncology Society, were instrumental in orchestrating calls and letters of support from volunteers and members of their individual organizations.

### ANNAPOLIS

Maryland Governor William Donald Schaefer signed House Bill 1222 into law at a signing ceremony held on May 26, 1994. Among those in attendance was Dr. Joan Edwards, president of the Maryland Oncology Society, whose advocacy was an important key to the success of the bill. Perhaps more than in any other state, this bill, sponsored by Delegate Salima Siler Marriott, benefitted from widespread support from groups representing more than just cancer organizations. Advocates from AIDS, mental illness, and epilepsy groups made their views known in large and vocal ways. Additional assistance from the pharmaceutical industry, particularly some of ACCC's Industry Advisory Council members, enabled these

grassroots organizations to learn about the bill. This new law, which takes effect on October 1, 1994, is broadly written. It applies to off-label uses supported in any of the three compendia or the medical literature for any FDA-approved drug for any disease.

### COLUMBUS

On May 11, Ohio Governor George Voinovich signed Senate Bill 157 into law, making Ohio the 12th state to pass a version of the ACCC off-label drug legislation. The new law, which takes effect later this summer, applies to insurance contracts amended, issued, or renewed on or after July 1, 1994. Unlike many other states, there was little opposition to the bill in Ohio by the insurance industry. Dr. Dale Cowan, president of the Ohio/West Virginia Medical Oncology Society, provided a great deal of assistance in this effort. Cowan initially approached ACCC at the ACCC Presidents' Retreat in January about working with their society to introduce a bill. The newly enacted state law, sponsored by State Senator Grace Drake, provides that insurance policies or health maintenance contracts that are delivered, issued for delivery, or renewed on and after July 1, 1994, are required to cover off-label drugs used in the treatment of cancer. This does not include self-insured companies that are exempt from state regulation by federal law nor does it include Medicare recipients. The law provides that no private insurer that provides coverage for prescription drugs shall exclude coverage of any such drug used for the treatment of cancer on the grounds that the off-label use of the drug has not been approved by the FDA for that indication (provided, however, that the drug is recognized for the treatment of such indication in one of the standard reference compendia or in the medical literature). ■