



Pursuing a Dialogue with Insurance Commissioners

Jamie Young

To cite this article: Jamie Young (1994) Pursuing a Dialogue with Insurance Commissioners, *Oncology Issues*, 9:5, 4-4, DOI: [10.1080/10463356.1994.11904488](https://doi.org/10.1080/10463356.1994.11904488)

To link to this article: <https://doi.org/10.1080/10463356.1994.11904488>



Published online: 18 Oct 2017.



Submit your article to this journal [↗](#)



Article views: 1



View related articles [↗](#)

Pursuing a Dialogue with Insurance Commissioners

by Jamie Young

Last year the ACCC took part in a meeting of the National Association of Insurance Commissioners (NAIC) after discovering that the NAIC had formed an Experimental Treatments Working Group to study the issue of off-label drug reimbursement. ACCC sent the NAIC relevant information and a copy of its own model legislation.

In September 1993 ACCC's Director of State Societies and Government Relations Jamie Young attended one of the working group's meetings, where a copy of the group's draft model act was circulated and discussed. The act closely resembled ACCC's. A major discussion ensued among members of the audience, nearly all of whom were representatives of the insurance industry. Fortunately, ACCC and a few other patient advocates were there to defend the NAIC draft and to explain the problem the bill was attempting to resolve.

Now, a year later, a revised draft is moving toward adoption by NAIC, with full support of the ACCC. The draft legislation was recommended to the full standing committee after the NAIC's last meeting in August. The efforts being put into the bill are important because the bill will eventually be circulated and recommended to all insurance commissioners in the country. Unlike most of the woes being heaped upon them, insurance commissioners finally have an issue that can be addressed to the liking of most reasonable minds.

As noted in a previous Capitol Comments column, the NAIC off-label legislation has provided a positive spin-off in Washington State, where the NAIC's working group chair, Deborah Senn, serves as state insurance commissioner. Senn and her staff have proposed similar

administrative rules for Washington State. The ACCC is working with the Washington State Medical Oncology Society to support these rules, which are now in the public comment stage. The NAIC working group is now set to begin examining the coverage of clinical trials. Rest assured, the ACCC will once again be a part of these discussions.

Elsewhere, most state legislatures have ended their activities so that their members may have ample time to campaign for the upcoming November elections. However, the ACCC is working in a few states that are still in session.

SACRAMENTO

The ACCC has recently become involved in an effort to pass clinical trials legislation in California.

The request was made by the Medical Oncology Association of Southern California, which is an ACCC state chapter. Assembly Bill 3572 and Senate Bill 1816 both attempt to assure patients access to clinical trials while also providing coverage for the patient care costs of those trials. Each bill has passed its respective chamber of origin and is pending in the opposite chamber. A conference committee will undoubtedly be necessary to work out the differences between the two versions. The biggest stumbling block may be in delivering a signable bill to Governor Pete Wilson. Currently, opposition from the insurance industry is fierce, and without some fence mending insurers will more than likely call for a veto.

BOSTON

On July 10 Governor William Weld chose not to veto a provision in the state budget that extends off-label drug provisions for cancer patients to patients being treated with drugs for HIV/AIDS-related conditions

when such use is recognized as appropriate by one of the three compendia or medical literature. Three days prior to Governor Weld's decision, the AIDS Action Committee of Massachusetts asked the ACCC for assistance in persuading the governor's office to ignore the advice of the insurance industry in striking out the language. The ACCC had pledged at an HIV off-label conference in May to help the committee broaden the scope of the law. In keeping with this promise, the ACCC faxed a letter to the governor urging him to allow the provision to stand and to remind him that the proposal was consistent with the cancer legislation he signed nearly two years ago. The sponsor of that legislation, Nancy Achin Sullivan, also played a role in communicating with the governor.

Although many of the states that have passed off-label legislation have limited coverage to cancer drugs and biologicals, the ACCC model legislation is broadly written to include all off-label uses of all FDA-approved drugs. The ACCC will assist any group in broadening initial legislation that will more closely reflect ACCC's own model bill.

PROVIDENCE

Rhode Island has become the most recent state to pass off-label drug legislation, ending a two-year battle with the insurance industry. House Bill 8144, sponsored by State Representative Nancy Benoit, was approved June 1 by the Senate Health, Education, and Welfare Committee by a vote of 10-2. As is customary, the ACCC worked closely with the Rhode Island division of the American Cancer Society and The Society of Rhode Island Clinical Oncologists, an ACCC state chapter member. This now brings to 16 the number of states with off-label laws in effect. ■

Jamie Young is ACCC Director of State Societies and Government Relations.