



Reining in Managed Care

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by Jamie Young

The results of an ACCC "Barriers to Care" survey of 2,000 oncologists across the country have been well received at the Association's first four oncology seminars, held in Georgia, New Jersey, North Carolina, and Ohio. Within the last year, each of these states has passed or considered legislation affecting the way managed care organizations operate within their jurisdictions.

Many states, including Georgia, Ohio, and New Jersey, have enacted laws to stop "drive through deliveries." These laws were created to prevent the overly expedient discharge of mothers and their newborns, within 24 hours of delivery in some cases. Georgia and other states have passed so-called "patient protection acts" that require plans to disclose benefit restrictions to current and prospective managed care enrollees and bar their use of gag rules. The latter pertains to prohibitions placed on doctors' discussions of plan particulars with enrollees, such as limits on coverage and treatment options, including payment policies.

According to the "Barriers to Care" survey, a significant percentage of the respondents reported difficulty in obtaining clarification of coverage policies from managed care organizations. In addition, the respondents were asked a series of questions regarding various insurers and whether they had ever hesitated to prescribe certain treatments. Most of the results indicated a wide discrepancy between managed care organizations and traditional com-

mercial insurance and Blue Cross/Blue Shield patients. Physicians were more likely to hesitate in prescribing a certain therapy or procedure for their managed care patients.

A complete analysis and presentation of the complete survey will be published in greater detail in the near future. However, it is clear the aforementioned portion of the survey raises important questions for cancer patients. Among them, "How can patients make informed decisions if doctors can inform them only of options that the plan is willing to cover?" Providers and patients must convince managed care organizations of the importance of access to quality cancer care and the need to work together to fashion a system that meets the needs of all the interested parties.

OFF-LABEL UPDATE

South Carolina recently became the twentieth state to adopt an off-label drug law. House Bill 4585, sponsored by state Rep. James S. Klauber, cleared the last legislative hurdle on May 9 when the South Carolina Senate concurred with the House on the final version of the bill. On May 29, the bill was signed by Gov. David M. Beasley and will become effective in 120 days.

The new law will apply only to drugs used for the treatment of cancer and off-label uses of drugs recognized for a specific cancer in one of the three compendia or in the peer-reviewed medical literature.

CLINICAL TRIALS LEGISLATION

Led by the University of Pittsburgh Cancer Institute and Fox Chase Cancer Center, and assisted by

ACCC, numerous cancer organizations and patient advocacy groups from Pennsylvania recently presented a lengthy document to the Pennsylvania Health Care Cost Containment Council in support of Senate Bill 1334, the clinical trials legislation sponsored by state Sen. Roy C. Afflerbach. The council will be reviewing the comments it received pursuant to its request for information on this new proposed benefit. Public hearings may be held to gather additional information. The legislature typically waits to receive the council's report before proceeding with consideration of the legislation.

The pending legislation in Illinois was recently highlighted at a legislative reception hosted by the Illinois Medical Oncology Society, ACCC, the American Cancer Society-Illinois Division, and the American Lung Association of Illinois. More than forty legislators and their staffs attended the reception to learn more about the importance of clinical research. Although the bill itself has been bottled up in the House Rules Committee, there is an opportunity for hearings this summer on the issue of coverage of clinical trials by the House Health and Human Services Committee.

Clinical trials legislation is also currently pending in the New York General Assembly. Senate Bill 5232 contains provisions regarding several cancer-related issues, including coverage of clinical trials, expansion of the off-label drug law to all drugs, and coverage of diagnostic screening of prostate and ovarian cancer. ■

Jamie Young is ACCC director for state societies and government relations.