

HOUSE BILL 1441

By Pody

AN ACT to amend Tennessee Code Annotated, Title 56,  
relative to proton radiation therapy.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, is amended by adding the following language as a new part 35:

(a) No health benefit plan that provides coverage for cancer therapy shall hold proton radiation therapy to a higher standard of clinical evidence for medical policy benefit coverage decisions than the health plan requires for coverage of any other radiation therapy treatment.

(b) Nothing in this section shall mandate the coverage of proton radiation therapy by a health benefit plan.

(c) As used in this section:

(1) "Health benefit plan":

(A) Means any accident and health insurance policy or certificate; nonprofit hospital or medical service corporation contract; health, hospital, or medical service corporation plan contract; health maintenance organization (HMO) subscriber contract; plan provided by a Multiple Employer Welfare Arrangement (MEWA); or plan provided by another benefit arrangement, to the extent permitted by Employee Retirement Income Security Act (ERISA) (29 U.S.C. § 1001 et seq.); and

(B) Does not mean individually underwritten health insurance policies, or policies or certificates covering only accident, credit, dental, disability income, long term care, hospital indemnity, medicare

supplement as defined in § 1882(g)(1) of the Social Security Act (42 U.S.C. § 1395ss(g)(1)), specified disease, vision care, other limited benefit health insurance, coverage issued as a supplement to liability insurance, worker's compensation insurance, automobile medical payment insurance, or insurance that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance; and

(2) "Proton radiation therapy" means the advanced form of radiation therapy that utilizes protons as an alternative radiation delivery method for the treatment of tumors.

SECTION 2. This act shall take effect July 1, 2016, the public welfare requiring it, and shall apply to policies or contracts entered into or renewed on or after that date.