

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 2761  
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**Authors:** Kahn

**Subject:** Health insurance coverage of care received in clinical trials

**Analyst:** Tom Pender (651) 296-1885

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### Overview

This bill would require that health insurance cover some of the cost of care received in clinical trials for treatment of cancer and other life-threatening conditions. The care covered would be care that the patient would have received anyway.

#### Section

#### 1 Coverage of qualified clinical trials.

**Subd. 1. Definitions.** Defines the terms clinical trial, cooperative group, health plan, multiple project assurance contract, nonroutine patient care, qualified clinical trial, and routine patient care cost.

**Subd. 2. Coverage requirement.** Requires a health plan (health insurance policy, HMO contract, Blue Cross Blue Shield coverage, etc.) to cover the “routine patient care costs” of an enrollee’s participation in two types of “qualified clinical trials,” as defined in subdivision 1.

The “routine patient care costs” are defined at some length in subdivision 1, but in general include only costs of care that would be provided to the patient if the patient were not in a clinical trial, and do not include the costs of experimental drugs or the costs related to data analysis and other costs related to the clinical trial but not related to patient care.

One type of clinical trial that would be covered are clinical trials involving cancer, including prevention, prevention of reoccurrence, early detection, treatment, or pain relief. The other type would be those that treat a life-threatening condition. For either type of clinical trial, there must be no clearly superior noninvestigational treatment alternative, the available data must provide a reasonable expectation that the clinical trial treatment will be at least as effective as the best noninvestigational alternative, and the patient’s treating physician under the patient’s health plan must

state an opinion that it is reasonable to expect the trial will provide a medical benefit to the patient that is worth the risk.

**Subd. 3. Conforming and other related provisions.** (a) Provides that coverage provided under this section does not create a legal presumption that the health plan company recommended or required the patient to participate in the clinical trial.

(b) Provides that definitions of terms in the health plan contract that are used to deny coverage, such as “experimental,” or “investigational” must not exclude coverage required under this section.

(c) Spells out how the health plan’s obligation in regard to reimbursement rates of the institution that is performing the clinical trial are affected by the health plan company’s provider agreement or lack of provider agreement with the institution.

Effective Date: Makes the bill effective August 1, 2010, and apply to renewal coverage as of the next renewal date on or after that.