

BRIAN HIGGINS  
27TH DISTRICT, NEW YORK

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REVITALIZING OLDER CITIES  
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Congress of the United States  
House of Representatives  
Washington, DC 20515-3227

May 31, 2012

WASHINGTON OFFICE:  
2459 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
(202) 225-3306  
(202) 226-0347 (FAX)

WESTERN NEW YORK OFFICES:  
LARKIN BUILDING  
726 EXCHANGE STREET  
SUITE 601  
BUFFALO, NY 14210  
(716) 852-3501  
(716) 852-3929 (FAX)  
FENTON BUILDING  
2 EAST 2ND STREET  
SUITE 300  
JAMESTOWN, NY 14701  
(716) 484-0729  
(716) 484-1049 (FAX)  
higgins.house.gov

The Honorable Benjamin Lawsky  
Superintendent  
New York State Department of Financial Services  
One State Street  
New York, New York 10004-1511

**RE: Oral Chemotherapy Drug Coverage**

Dear Superintendent Lawsky,

I write you today out of concern over the implementation of legislation signed into law in 2011 requiring all insurance policies regulated by the State of New York that provide coverage for medical and prescription drugs to provide coverage for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells. It is my understanding that in some cases, patients are wrongly being denied coverage for these life-saving drugs because they have generic-only drug policies. I believe this is a gross misinterpretation of the law as passed and I urge you to clarify this policy as soon as possible to save lives and help cancer patients get the drugs they need and deserve.

The quickening pace of scientific innovation has given new hope for cancer patients and their families. With the advent of "smart drugs" or therapies that operate efficiently and effectively, attacking cancerous cells with precision to stop their growth, many cancer patients have a much more optimistic prognosis to extend and improve their quality of life. Because these smart drugs are targeted, patients are left with a stronger immune system to fight through their cancer. These drugs, increasingly delivered in pill form orally, are the future of a genomics-based cancer paradigm.

Yet, too often, we have seen that the reimbursement paradigm does not keep up with the science. The law that passed last year in New York State, which requires coverage for oral chemotherapy agents when prescription drug coverage is provided as part of a health plan, is a long overdue step that will help save lives and give patients access to treatments that they need and deserve. I have introduced legislation at the United States House of Representatives that would make this requirement applicable to all plans regulated by federal law.

Your agency is responsible for implementation of this law, which is a task you take very seriously. I urge you to ensure that this law is interpreted with the broadest implementation possible. Those with generic-only prescription drug plans are still provided a prescription drug plan as part of their health insurance coverage that falls within the ambit stated in the oral chemotherapy coverage law. Given the mandatory nature of this law, I urge you to clarify this to all health plans that coverage for these medications extends to generic-only prescription drug policies as well. This clarification should be made expeditiously.

I would furthermore urge you to effectuate a substantive implementation of this law to ensure that all health plans in New York State are implementing it correctly, communicating to policy holders on this as well. This is imperative, both to maintain the law's integrity and for the life and health of cancer patients across the state.

Thank you very much for your attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Brian Higgins". The signature is stylized and written in a cursive-like font.

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BRIAN HIGGINS  
Member of Congress