

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-4490/P1dn
TJD:bjk:rs

April 1, 2010

To Cathy Friedl:

Please review this preliminary draft to ensure it complies with your intent.

I used different language in this draft than requested to be more clear, but I am still concerned that insurers would have difficulty applying the language. The source of the greatest disparity is when oral chemotherapy is treated as a prescription drug and insurers are charging a copayment that is greater than a traditional copayment for a brand name prescription drug, such as a copayment that is calculated as a percentage of the drug's cost. The most straightforward way to address this problem may be to research how much a course of injected or intravenous chemotherapy would cost, in out-of-pocket payments, on average per month and impose a monthly cap on the copayment amount for oral chemotherapy at that amount.

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