

- SUBJECT:** Requiring certain health plans to cover scalp cooling systems
- COMMITTEE:** Insurance — committee substitute recommended
- VOTE:** 8 ayes — Oliverson, Vo, J. González, Hull, Israel, Paul, Romero, Sanford
1 nay — Middleton
- WITNESSES:** For — Melissa Bourestom, Dignitana; Nancy Brougham; Sarah Koller; Rebecca Munoz; Julie Nangia

Against — Jamie Dudensing, Texas Association of Health Plans; Bill Hammond, Texas Employers for Insurance Reform; (*Registered, but did not testify*: John McCord, NFIB; Megan Herring, Texas Association of Business; Jennifer Cawley, Texas Association of Life & Health Insurers)

On — (*Registered, but did not testify*: Jenny Blakey, OPIC; Luke Bellsnyder, Texas Department of Insurance)
- BACKGROUND:** Interested parties report that some patients forego chemotherapy due to fear of losing their hair. Suggestions have been made to increase access to scalp cooling, which interested parties suggest is an effective way to combat chemotherapy-induced hair loss and is approved by the U.S. Food and Drug Administration for use during cancer treatment.
- DIGEST:** CSHB 1588 would require certain health benefit plans to provide coverage for scalp cooling for certain cancer patients.
- Definitions.** The bill would define "scalp cooling" as a system, application, or procedure approved by the U.S. Food and Drug Administration for reducing hair loss in an individual undergoing chemotherapy treatment.
- Applicability.** The bill would apply only to certain health plans issued by a specified organization, including:

- a plan issued by a health maintenance organization;
- a small employer health plan subject to the Health Insurance Portability and Availability Act; and
- a consumer choice of benefit plan.

The bill would apply only to a health plan issued or renewed on or after January 1, 2022.

Exemptions. The bill would not apply to a qualified health plan if a determination was made under 45 C.F.R. Section 155.170 that:

- the bill required the plan to offer benefits in addition to the essential health benefits required under 42 U.S.C. Section 18022(b); and
- the state was required to defray the cost of mandated benefits.

Required coverage. Under the bill, a health plan would have to provide coverage for scalp cooling:

- for an enrollee who was undergoing or had undergone cancer treatment; and
- that was determined by the enrollee's treating physician to be appropriate for the enrollee in connection with the cancer treatment's side effects.

The required coverage would have to be provided in an appropriate manner as determined in consultation with the treating physician and enrollee, and the coverage could be subject to annual deductible, copayments, and coinsurance consistent with other benefits provided under the health plan.

The bill would prohibit the required coverage from being subject to annual dollar limits.

Other provisions. The bill would allow a health plan to require prior authorization for scalp cooling in the same manner that the plan required

prior authorization for other health benefits.

The bill would take effect September 1, 2021.