ASSEMBLY CONCURRENT RESOLUTION No. 141

STATE OF NEW JERSEY

214th LEGISLATURE

INTRODUCED SEPTEMBER 16, 2010

Sponsored by:
Assemblyman CRAIG J. COUGHLIN
District 19 (Middlesex)

SYNOPSIS

Memorializes Congress to enact "Access to Cancer Clinical Trials Act of 2009."

CURRENT VERSION OF TEXT

As introduced.

A CONCURRENT RESOLUTION memorializing the United States Congress to enact the "Access to Cancer Clinical Trials Act of 2009," which would require certain insurers to provide coverage for individuals participating in approved cancer clinical trials.

WHEREAS, An estimated 1.5 million people were diagnosed with cancer in the United States in 2009; and each year, cancer claims the lives of more than a half million people in the United States, including more than 17,000 in New Jersey; and

WHEREAS, For many individuals with cancer, standard therapies do not offer hope, and the best treatments may only be available through participation in clinical trials, which study the safety, efficacy, and benefits and risks of proposed new treatments; and

WHEREAS, Cancer patients participate in clinical trials because they seek a cure and want to contribute to research that will help others; and

WHEREAS, While research costs for clinical trials are borne by sponsors of clinical trials, patients are responsible for routine medical costs, such as hospital stays, doctor visits, laboratory tests, and surgeries, and these expenses are covered by insurers when cancer patients receive established cancer therapies; and

WHEREAS, Since 1999, New Jersey's largest health insurers have voluntarily agreed to cover routine medical costs their insureds incur in approved cancer clinical trials; and since 2000, Medicare has covered such costs for Medicare patients; and

WHEREAS, Even though many private insurers cover routine medical costs incurred during clinical trials, many other private insurers that do not provide this coverage are governed by the federal "Employee Retirement Income Security Act of 1974" (ERISA), and are therefore exempt from state regulation; and

WHEREAS, Lack of insurance coverage for routine medical costs deters eligible cancer patients who would otherwise participate in clinical trials; and

WHEREAS, Greater enrollment in clinical trials helps in the effort to find new breakthroughs in treating and preventing cancer, yet fewer than 5% of adults diagnosed with cancer each year are enrolled in clinical trials; and

WHEREAS, It order to encourage cancer patients to enroll in clinical trials that could save their lives and promote scientific advances in cancer prevention and treatment, United States Senator Sherrod Brown and Representative Steve Israel have sponsored S.488 and H.R.716, respectively, the "Access to Cancer Clinical Trials Act of 2009," which would amend ERISA to require that insurers provide coverage for cancer patients' routine medical costs when enrolled in approved cancer clinical trials; and

WHEREAS, It is important to make clinical trials more accessible to cancer patients so that they can receive cutting edge treatments

while helping scientific advancements in treating and preventing cancer; now, therefore,

BE IT RESOLVED *by the General Assembly of the State of New Jersey (the Senate concurring):*

1. The New Jersey Legislature memorializes the United States Congress to enact the "Access to Cancer Clinical Trials Act of 2009," which would require insurers governed by ERISA to provide coverage for routine medical costs of cancer patients enrolled in approved cancer clinical trials.

2. Duly authenticated copies of this concurrent resolution shall be transmitted to the Majority and Minority Leaders of the United States Senate, the Speaker and Minority Leaders of the United States House of Representatives, and each member of Congress elected from this State.

STATEMENT

This concurrent resolution memorializes Congress to enact the "Access to Cancer Clinical Trials Act of 2009," which is pending before Congress as S.488 and H.R.716.

The legislation would amend the federal "Employee Retirement Income Security Act of 1974" (ERISA) to require that health insurers cover routine medical costs for cancer patients enrolled in approved clinical trials. Many of New Jersey's largest health insurers have agreed voluntarily to cover these expenses, and Medicare provides such coverage. However, many other private insurers, including self-funded insurers that are exempt from state regulation under ERISA, do not. S.488 and H.R.716 would require these insurers to provide such coverage.

Clinical trial sponsors pay research costs associated with clinical trials, but patients in clinical trials are responsible for routine medical costs, such as hospital stays, doctor visits, laboratory tests, and surgeries. These expenses are covered by insurers when cancer patients receive standard cancer treatments. Failure to cover routine medical expenses incurred during clinical trials deters some cancer patients from enrolling in clinical trials, which in turn denies these patients innovative treatments and thwarts advancements in cancer treatment and prevention.