

# Patients With Cancer Must Be Able to Access the Chemotherapy Treatment That Is Right for Them

In the United States, cancer is a major public health crisis with nearly 1.8 million people diagnosed in 2020.<sup>[1]</sup> Cancer continues to be a life-threatening diagnosis, representing the second-leading cause of death in the United States in the past decade.<sup>[2]</sup> Fortunately, patients with cancer can have increased survival rates if they are diagnosed early and begin prompt treatments.<sup>[3]</sup> Deciding which type of treatment is best for the patient is not an easy decision as patients must understand how the cancer progresses, the best type of treatment for the patient, and side effects of treatments. Patients and their healthcare providers should have the discretion to choose what treatment and form is best for the patient and their lifestyle.

## **Types of Cancer Treatments**

The type of cancer treatment that a patient will use depends on the specific type of cancer and treatments available.<sup>[4]</sup> Treatment for cancer may include chemotherapy, hormone therapy, hyperthermia, immunotherapy, photodynamic therapy, radiation therapy, stem cell transplants, surgery, or other targeted therapies.<sup>[5]</sup> While the course of treatment will vary from patient-to-patient, chemotherapy is often essential to most treatment plans. While chemotherapy can be administered orally, intravenously, via injection, intrathecally, intra-arterially, and topically, it is most commonly administered intravenously.<sup>[6]</sup> For many patients, these chemotherapy treatments can be uncomfortable and inconvenient, as they require patients to leave the comfort of their homes to visit their clinician's office.

In recent years, alternatives to infused therapeutic treatments have begun to emerge and oral treatments have become more popular. Oral treatments allow patients to take the medication from the comfort of their homes, without being inconvenienced by burdensome doctor visits. For many patients this is an important relief from the logistical inconvenience of intravenous treatments given that a side effect of most chemotherapy is significant fatigue and possible nausea. For example, one study found that 84% of patients surveyed favored oral treatment over intravenous treatment due to convenience, among other factors.<sup>[7]</sup>

### **Insurance Coverage of Cancer Treatments**

However, increased convenience has come at a steep cost to patients, as insurers have begun charging more for oral treatments than for conventional chemotherapy treatments that require the patient to come into the office. Patients taking oral chemotherapy often pay more for oral medications because oral chemotherapy is considered a pharmacy benefit subject to copays, which typically requires patients to cover a percentage of the drug's overall cost. Meanwhile, under most health plans, intravenous chemotherapy treatments are considered a medical benefit which typically have higher coverage and lower co-pays for the patients.<sup>[8]</sup>

This type of cost-sharing creates serious barriers for patients who need oral medication to treat their cancer. These disparities also pose particular challenges to patients with specific types of cancers, such as blood cancer, who may require medications that are oral-only.<sup>[9]</sup> Moreover, as science continues to advance, delaying expanded coverage will only hinder access to innovative medication, as it is estimated that up to 30 percent of cancer treatments currently under development will be oral medications.<sup>[10]</sup>

### **Legislatures Must Take Action to Ensure Patients with Cancer Have the Same Access to Oral Cancer Therapies**

State legislatures can take action to protect patient access to their medications and help ensure that decisions about treatment are based on clinical evidence rather than cost-sharing requirements. Legislatures should pass oral parity laws which prohibit insurers from creating separate and different cost-sharing requirements between oral and intravenous chemotherapy treatments.

As of now, 43 states and the District of Columbia have enacted some form of oral parity legislation that protects patients use of oral chemotherapies.<sup>[11]</sup> The momentum for patient protections for oral parity has rapidly expanded and even reached the federal legislature. In 2021, the Cancer Drug Parity Act was introduced in both the House and the Senate to create federal protections for patients with cancer.<sup>[12]</sup> Specifically, the Cancer Drug Parity Act would prevent insurers from placing more restrictions on oral chemotherapy treatments than intravenous chemotherapy treatments, as well as prohibit insurers from increasing the costs of chemotherapy medications.<sup>[13]</sup>

## **Resources**

- [1] National Cancer Institute, Cancer Statistics, <https://www.cancer.gov/about-cancer/understanding/statistics>; American Cancer Society, Cancer Statistics 2021, <https://acsjournals.onlinelibrary.wiley.com/doi/full/10.3322/caac.21654>.
- [2] Avalere, Earlier Cancer Detection Improves Quality of Life and Patient Outcomes, <https://avalere.com/insights/earlier-cancer-detection-improves-quality-of-life-and-patient-outcomes> .
- [3] Id.
- [4] National Cancer Institute, Types of Cancer Treatment, <https://www.cancer.gov/about-cancer/treatment/types>.
- [5] Id.
- [6] Id.; Chemocare, How is Chemotherapy Given, <https://chemocare.com/chemotherapy/what-is-chemotherapy/how-chemotherapy-is-given.aspx#:~:text=Intravenous%20administration%20of%20therapy%20medication,absorbed%20through%20the%20blood%20stream..>
- [7] <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5003561/>
- [8] Leukemia & Lymphoma Society, Oral Parity, <https://www.lls.org/advocate/oral-parity>.
- [9] American Society of Hematology, Cancer Drug Parity Act, <https://www.hematology.org/-/media/Hematology/Files/Advocacy/Cancer-Drug-Parity-Act-of-2019-Fact-Sheet.pdf?la=en&hash=CEB9E1BBF96F385DDE244D8E10D34ACA>.
- [10] Id.
- [11] Coalition to Improve Access to Cancer Care, Oral Cancer Fairness Laws and Pending Legislation, <https://www.access2cancercare.org/cancer-care-access/>.
- [12] H.R. 4385, <https://www.congress.gov/bill/117th-congress/house-bill/4385> and S. 3080, <https://www.congress.gov/bill/117th-congress/senate-bill/3080/text?r=2&s=1> .
- [13] Id.