

# News Release



***Controller of the State of California - Kathleen Connell***

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***FOR IMMEDIATE RELEASE***

## ***CONNELL'S BREAST CANCER TREATMENT BILL CLEARS SENATE***

***23-7 Vote Sends Lifesaving Bill Back To Assembly, Then Governor***

SACRAMENTO, August 7, 1997 -- "This is a great step forward in ensuring that never again will an insurance company come between a woman, her doctor and a cure," said State Controller Kathleen Connell in reference to today's passage of her breast cancer treatment bill through the Senate. "This bill preserves hope to women and families battling breast cancer and could mean the difference between life and death for many."

The bill, AB 760, sponsored by Connell and authored by Assemblywoman Carole Migden (D-San Francisco) entitles a woman with breast cancer to a prompt, independent review following the denial of a physician-recommended treatment by her insurance company or HMO. "Women with breast cancer are struggling for their lives. They should focus their energies on fighting the disease, not the insurance company," said Connell in reference to HMO coverage of Autologous Bone Marrow Transplantation (ABMT). "It's unconscionable that an insurance company could impede the delivery of any treatment that would aid them in their effort."

ABMT is used only in severe situations. The patient's bone marrow is removed and then she is exposed to extremely high doses of radiation. After the treatment, which would have killed the bone marrow if left in the body, the marrow is re-introduced back into the patient. Currently, even with their doctor's recommendation, many women are denied coverage -- primarily due to its high cost -- and must sue their insurance companies to get the treatment.

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*Connell's Bill Passes Senate/2-2-2*

Last year Connell led the effort to expand ABMT coverage to the more than 400,000 women insured by the California Public Employees Retirement System (CalPERS), which utilizes 22 health plans in its government-sponsored health care program. Connell stated: "Passage of this bill take us a step closer to completing my goal of extending coverage of this treatment to all California women with this deadly disease. In the past, too often the only avenue available to gain access to this treatment was through litigation. It was appalling to find women with severe breast cancer spending more time in court rooms, then treatment rooms."

Controller Connell expressed her concern about the Governor's recent threat to veto all managed care legislation appearing before him this year. Earlier in the week, the Governor indicated his inclination to delay passage of managed care bills until his task force has the opportunity to review them. "Patients with deadly diseases cannot face a delay -- each day lost seriously impacts their survival chances."

The two key provisions of the AB 760 are as follows:

- \* Any individual with breast cancer, whose physician recommends ABMT or other commonly recognized breast cancer treatment, but whose HMO or health insurer denies coverage for it, would have **prompt access to an independent, expedited review of the coverage decision;**
- \* If the independent review panel determines that the patient should receive ABMT, then **the HMO or health insurer must cover it.**

The bill is supported by the California Nurses Association, American Cancer Society, City of Hope, Save Our Selves and Christian Women Against Cancer among others. The bill already passed the Assembly (53-17) and is scheduled to go back for concurrence. If signed by the Governor, AB 760 could become law as soon as January 1, 1998.

Breast cancer is the most commonly occurring cancer in women. It's the second most common cancer killer among women, and the leading cause of death among women 40-55. It is estimated that nearly 20,000 California women will be diagnosed with breast cancer for the first time in 1997. During the same period, approximately 5,000 California women will die of the cancer.

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