



TENNESSEE **CANCER**  
PATIENT COALITION

## Tennessee Governor Haslam Vetoes SB 367 / HB 523



**BILL HASLAM**  
GOVERNOR  
STATE OF TENNESSEE

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### STATEMENT FROM GOV. HASLAM ON SB 367

NASHVILLE – Tennessee Gov. Bill Haslam today released the following statement regarding SB 367:

“Today, I vetoed Senate Bill 367, a bill that circumvents the established process for determining state employee insurance program coverage based on medical evidence and effectiveness. The state plan currently covers many forms of radiation treatment, and the provider advocating this bill rejected a medically appropriate plan for expanded coverage to instead pursue a political mandate. The state is committed to high-quality care that is medically appropriate and fiscally responsible for patients and taxpayers, but this mandate could put patients at risk and expose them to excessive charges from out-of-network providers.”

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## Why Did Governor Haslam Veto the Bill?

The Governor’s reasoning for his veto of Senate Bill 367 / House Bill 523, the Proton Therapy Access Act, includes several statements which are either inaccurate or misleading which appear to be derived directly from the insurance lobby. TCPC will respond to some of the statements and provide sources for your reference:

- The Governor said the State covers proton therapy.  
***TCPC Response: The State covers less than 5% of cancer incidence.***

- The Governor states the bill removes checks that would prevent the patient from receiving the most appropriate form of treatment.

***TCPC Response: Nothing could be further from the truth. The Governor's veto essentially removes the medical treatment decision from the patient and their physician and grants this valuable decision to the insurance companies.***
- The Governor's letter does not reflect the fact that the State's Benefit Administration department outsources their coverage policies to a utilization manager, eviCore, who knowingly issues coverage guidelines that are outdated.

***TCPC Response: The State is ignoring the most recently published studies and coverage guidelines recommended by The American Society of Therapeutic Radiation Oncology (ASTRO), the society of experts in the United States on radiation oncology***
- The Governor states the State Insurance Committee agreed to expand coverage of proton therapy but the providers of proton therapy rejected that plan.

***TCPC Response: The State Insurance Committee did vote to add proton therapy coverage consistent with the same coverage as Medicare in May 2017. However, a few weeks later eviCore stated they could no longer provide services to the State if the State adopted the same coverage for proton therapy as Medicare. The State surrendered to this pressure and reverted to the coverage recommended by eviCore, of only 5% of cancer incidence, restricting many Tennesseans on the State Health Plan from having access to proton therapy coverage and impacting their quality of life.***
- The Governor inaccurately states that cancer patients may be at risk for paying more for proton therapy.

***TCPC Response: This bill explicitly states that patients covered under this bill would pay no more for proton therapy than they would for traditional radiation therapy. "The amount chargeable to or payable by an eligible patient for a covered course of proton therapy shall not exceed the amount that would be otherwise be chargeable to or payable by the eligible patient for a course of IMRT."***

***SB 367 / HB 523 would enable more cancer patients to receive state-of-the-art cancer treatment at no additional cost to the State of Tennessee, the insurance companies or the patients! The Governor appears to have done a favor for the insurance lobby and dealt a low blow to members and their families on the TN State Health Plan, even after the Full House and Full Senate voted in overwhelming support of this Bill.***

## What Can You Do to Help Override the Veto?

- Go to TN Cancer Patient Coalition and contact Lt. Governor McNally & Senator Harwell

To Demand a Special Session: <http://tncancerpatient.org/>

- Go to TN Cancer Patient Coalition Facebook and Like, Comment and Share posts
- Go to Sponsor of the Bill, Senator Green's page to sign petition to Demand Special Session

<https://www.markgreen4tn.com/news>

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