January 15, 2010

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Nancy Pelosi
Speaker
United States House of Representatives
Washington, D.C. 20515

Dear Leader Reid and Speaker Pelosi:

As the United States Senate and House of Representatives continue its negotiations on comprehensive health reform legislation, the National Coalition for Cancer Research (NCCR) is writing to express its strong support for the inclusion of the provisions of **Section 2709 – Coverage For Individuals Participating In Approved Clinical Trials** -- contained in H.R. 3590, the “Patient Protection and Affordable Care Act,” as passed by the United States Senate.

This important provision would require all health insurance plans to cover the routine patient costs associated with participation in high-quality clinical trials. We are especially gratified this provision would also apply to health plans offered through the Federal Employee Health Benefit Program.

For patients with cancer and others struggling with life-threatening illnesses, standard therapy may not be beneficial; the best therapies are frequently available only through participation in a clinical trial. Unfortunately, access to cutting-edge treatment through clinical trials is often denied, as many insurance companies refuse to cover routine patient care costs on the grounds that the care is “experimental.”

Although trial sponsors – either industry or government entities – must rightly assume the responsibility for the research costs of a clinical trial, including data collection and analysis, as well as providing the experimental agent free of charge, patients depend upon their insurance plan to cover diagnostic or supportive services – considered “routine care” – while enrolled in the clinical trial.

The tremendous advances in the treatment of cancer have been made largely because therapies have been tested in clinical trials and have been found to be significant improvements over standard therapy. The clinical research process is a lifeline for those with life-threatening illnesses, and the failure of private and public insurers to cover the costs of routine patient care not only denies patients of the best care available, but also threatens the American clinical trial enterprise as a whole.
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On the state level, a number of laws have been enacted that address the issue of clinical trials coverage in varying and inconsistent ways. Since 1994, 27 states and the District of Columbia have enacted laws requiring insurance coverage for “routine patient care” costs in clinical trials, and another five states have established cooperative agreements with insurers to do so. This has created a patchwork of coverage that varies depending upon the state of resident of the patient. However, the vast majority of American workers are covered by the Employee Retirement Security Act of 1974 (ERISA), which necessitates federal legislation to ensure patient access to clinical trial coverage.

Section 2709 of H.R. 3590, as enacted by the United States Senate, will address this urgent shortfall in our nation’s healthcare delivery system. We respectfully seek your active support to include this important provision in the bicameral health reform negotiations currently taking place to ensure that routine patient care costs associated with clinical trials will be covered by health plans and FEHBP.

We thank you for your careful consideration of this important patient care and biomedical research issue.

American Association for Cancer Research  
American Cancer Society Cancer Action Network  
American College of Radiology  
American Society of Clinical Oncology  
American Society of Hematology  
American Society for Radiation Oncology  
Association of American Cancer Institutes  
Gateway for Cancer Research  
Candlelighters Childhood Cancer Foundation  
Coalition of Cancer Cooperative Groups  
CureSearch Childhood Cancer Foundation  
Friends of Cancer Research  
International Cancer Advocacy Network  
International Myeloma Foundation  
Kidney Cancer Association  
Leukemia and Lymphoma Society  
The Lustgarten Foundation  
Oncology Nursing Society  
Pancreatic Cancer Action Network  
Prevent Cancer Foundation  
Prostate Cancer Foundation  
Society of Gynecologic Oncologists  
SNM – Society of Nuclear Medicine  
V Foundation for Cancer Research