

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)



127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 359

H.P. 246

House of Representatives, February 12, 2015

An Act To Assist Persons with Breast Cancer

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative LONGSTAFF of Waterville.
Cosponsored by Senator BREEN of Cumberland and
Representatives: BECK of Waterville, BROOKS of Lewiston, DUNPHY of Old Town,
ESPLING of New Gloucester, LUCHINI of Ellsworth, NADEAU of Winslow, SAUCIER of
Presque Isle, Senator: ALFOND of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 24 MRSA §2320-C, sub-§1**, as enacted by PL 1997, c. 408, §2 and
3 affected by §8, is amended to read:

4 **1. Inpatient care.** All individual and group nonprofit hospital and medical services
5 plan contracts providing coverage for medical and surgical benefits must ensure that
6 inpatient coverage with respect to the treatment of breast cancer is provided for a ~~period~~
7 ~~of time determined by~~ hospital stay of no less than 48 hours insofar as the attending
8 physician, in consultation with the patient, determines it to be medically appropriate
9 following a mastectomy; or a lumpectomy or for a hospital stay of no less than 24 hours
10 insofar as the attending physician, in consultation with the patient, determines it to be
11 medically appropriate following a lymph node dissection ~~for the treatment of breast~~
12 ~~cancer.~~

13 Nothing in this subsection may be construed to require the provision of inpatient
14 coverage if the attending physician and patient determine that a shorter period of hospital
15 stay is appropriate.

16 In implementing the requirements of this subsection, an individual and group nonprofit
17 hospital and medical services plan contract may not modify the terms and conditions of
18 coverage based on the determination by any enrollee to request less than the minimum
19 coverage required under this subsection.

20 All individual and group nonprofit hospital and medical services plan contracts must
21 provide written notice to each enrollee under the contract regarding the coverage required
22 by this subsection. The notice must be prominently positioned in any literature or
23 correspondence made available or distributed by the plan and must be transmitted in the
24 next mailing made by the plan to the enrollee or as part of any yearly information packet
25 sent to the enrollee, whichever is earlier.

26 **Sec. 2. 24-A MRSA §2745-C, sub-§1**, as enacted by PL 1997, c. 408, §4 and
27 affected by §8, is amended to read:

28 **1. Inpatient care.** All individual health policies providing coverage for medical and
29 surgical benefits, except accidental injury, specified disease, hospital indemnity,
30 Medicare supplement, long-term care and other limited benefit health insurance policies
31 and contracts, must ensure that inpatient coverage with respect to the treatment of breast
32 cancer is provided for a ~~period of time determined by~~ hospital stay of no less than 48
33 hours insofar as the attending physician, in consultation with the patient, determines it to
34 be medically appropriate following a mastectomy; or a lumpectomy or for a hospital stay
35 of no less than 24 hours insofar as the attending physician, in consultation with the
36 patient, determines it to be medically appropriate following a lymph node dissection ~~for~~
37 ~~the treatment of breast cancer.~~

38 Nothing in this subsection may be construed to require the provision of inpatient
39 coverage if the attending physician and patient determine that a shorter period of hospital
40 stay is appropriate.

1 In implementing the requirements of this subsection, an individual health policy may not
2 modify the terms and conditions of coverage based on the determination by any enrollee
3 to request less than the minimum coverage required under this subsection.

4 All individual health policies must provide written notice to each enrollee under the
5 contract regarding the coverage required by this subsection. The notice must be
6 prominently positioned in any literature or correspondence made available or distributed
7 by the plan and must be transmitted in the next mailing made by the plan to the enrollee
8 or as part of any yearly information packet sent to the enrollee, whichever is earlier.

9 **Sec. 3. 24-A MRSA §2837-C, sub-§1**, as enacted by PL 1997, c. 408, §6 and
10 affected by §8, is amended to read:

11 **1. Inpatient care.** All group health policies providing coverage for medical and
12 surgical benefits, except accidental injury, specified disease, hospital indemnity,
13 Medicare supplement, long-term care and other limited benefit health insurance policies
14 and contracts, must ensure that inpatient coverage with respect to the treatment of breast
15 cancer is provided for a ~~period of time determined by~~ hospital stay of no less than 48
16 hours insofar as the attending physician, in consultation with the patient, determines it
17 to be medically appropriate following a mastectomy, or a lumpectomy or for a hospital stay
18 of no less than 24 hours insofar as the attending physician, in consultation with the
19 patient, determines it to be medically appropriate following a lymph node dissection for
20 the treatment of breast cancer.

21 Nothing in this subsection may be construed to require the provision of inpatient
22 coverage if the attending physician and patient determine that a shorter period of hospital
23 stay is appropriate.

24 In implementing the requirements of this subsection, a group health policy may not
25 modify the terms and conditions of coverage based on the determination by any enrollee
26 to request less than the minimum coverage required under this subsection.

27 All group health policies must provide written notice to each enrollee under the contract
28 regarding the coverage required by this subsection. The notice must be prominently
29 positioned in any literature or correspondence made available or distributed by the plan
30 and must be transmitted in the next mailing made by the plan to the enrollee or as part of
31 any yearly information packet sent to the enrollee, whichever is earlier.

32 **Sec. 4. 24-A MRSA §4237, sub-§1**, as enacted by PL 1997, c. 408, §7 and
33 affected by §8, is amended to read:

34 **1. Inpatient care.** All individual and group coverage subject to this chapter that
35 provides coverage for medical and surgical benefits must ensure that inpatient coverage
36 with respect to the treatment of breast cancer is provided for a ~~period of time determined~~
37 ~~by~~ hospital stay of no less than 48 hours insofar as the attending physician, in
38 consultation with the patient, determines it to be medically appropriate following a
39 mastectomy, or a lumpectomy or for a hospital stay of no less than 24 hours insofar as the
40 attending physician, in consultation with the patient, determines it to be medically
41 appropriate following a lymph node dissection for the treatment of breast cancer.

1 Nothing in this subsection may be construed to require the provision of inpatient
2 coverage if the attending physician and patient determine that a shorter period of hospital
3 stay is appropriate.

4 In implementing the requirements of this subsection, an individual or group coverage
5 contract may not modify the terms and conditions of coverage based on the determination
6 by any enrollee to request less than the minimum coverage required under this subsection.

7 All individual and group coverage subject to this subsection must provide written notice
8 to each enrollee under the contract regarding the coverage required by this subsection.
9 The notice must be prominently positioned in any literature or correspondence made
10 available or distributed by the plan and must be transmitted in the next mailing made by
11 the plan to the enrollee or as part of any yearly information packet sent to the enrollee,
12 whichever is earlier.

13 **Sec. 5. Application.** The requirements of this Act apply to all policies, contracts
14 and certificates executed, delivered, issued for delivery, continued or renewed in this
15 State on or after January 1, 2016. For purposes of this Act, all contracts are deemed to be
16 renewed no later than the next yearly anniversary of the contract date.

17 **SUMMARY**

18 This bill provides that individual and group health insurance policies must ensure that
19 inpatient coverage with respect to breast cancer treatment is provided for a hospital stay
20 of no less than 48 hours insofar as the attending physician, in consultation with the
21 patient, determines it to be medically appropriate following a mastectomy or lumpectomy
22 or of no less than 24 hours following a lymph node dissection. Under current law, the
23 minimum hospital stay is not prescribed but must be provided for a period of time
24 determined to be medically appropriate by the attending physician in consultation with
25 the patient.