

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
115TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 230, L.D. 321, Bill, "An Act to Require Insurance Coverage for Reconstructive Breast Surgery for Women Who Have Had Mastectomies"

Amend the bill by striking out all of the title and substituting the following:

'An Act Regarding Health Insurance'

Further amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 24-A MRSA §2731-A is enacted to read:

§2731-A. "Medically necessary mastectomy surgery" defined

"Medically necessary mastectomy surgery" includes removal of breast tissue for medically necessary reasons and, when elected by the patient, the surgery to reconstruct the breast on which surgery has been performed. This medical definition applies to all contracts and policies for medical and health insurance issued under this Title and Title 24.

Sec. 2. 24-A MRSA §2751, sub-§1, as amended by PL 1989, c. 875, Pt. I, §4, is further amended by amending the first paragraph to read:

1. Proposed mandatory health insurance benefits; impact assessment study. Whenever a legislative measure containing a mandated health benefit is proposed, the joint standing committee having jurisdiction over the proposal shall hold a public hearing and determine the level of support for the proposal among the members of the committee. If no member of the committee votes to support the mandate, the committee may not refer the proposed mandated health benefit to the Mandated Benefits Advisory

2 Commission established by Title 5, section 12004-I, subsection  
3 50. If one or more members of the committee vote for the  
4 proposal, the committee shall request that the Mandated-Benefits  
5 Advisory-Commission, established by Title 5, section 12004-I,  
6 subsection-50, commission prepare and forward to the Governor and  
7 the joint standing committee of the Legislature having  
8 jurisdiction over insurance matters, by a certain date, a study  
9 that assesses the social and financial effects and the medical  
10 efficacy of the proposed mandated benefit and a recommendation  
11 for legislative action on the proposal, based on the study. The  
12 study may be conducted by the commission or pursuant to a  
13 contract with the commission and must analyze information  
14 collected from a state data collection system, proponents of the  
15 new mandate, the Bureau of Insurance, health planning  
16 organizations and other appropriate data sources. For purposes  
17 of this section, a mandated health benefit proposal is one that  
18 mandates health insurance coverage for specific health services,  
19 specific diseases or for certain providers of health care  
20 services as part of individual or group health insurance  
21 policies. A mandated option is not a mandated benefit for  
22 purposes of this section.

#### FISCAL NOTE

24  
25 This bill clarifies when the Mandated Benefits Advisory  
26 Committee must review proposals for mandated health benefits.  
27 There may be a slight easing of administrative and review burdens  
28 to the Mandated Benefits Advisory Committee.'

#### STATEMENT OF FACT

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33 This amendment replaces the original bill.

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35 The amendment defines "medically necessary mastectomy  
36 surgery" and includes reconstructive surgery when elected by the  
37 patient.  
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39  
40 Current law requires legislative committees to refer all  
41 proposed mandated health benefits to the Mandated Benefits  
42 Advisory Commission for study and report back to the Governor and  
43 the Legislature. This amendment clarifies the duty of the  
44 legislative committee to hold a public hearing and determine  
45 whether there is support for a proposal and exempts from referral  
46 proposals that fail to receive a vote of support from any  
47 committee member. The amendment requires that the report from  
48 the Mandated Benefits Advisory Commission be made to the Joint  
49 Standing Committee on Banking and Insurance.  
50