

MAINE STATE LEGISLATURE

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1048

L.D. 168.

DATE: June 8, 1995

(Filing No. S- 229)

BANKING AND INSURANCE

Reported by: The Majority of the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A " to S.P. 80, L.D. 168, Bill, "An Act to Clarify Insurance Coverage Regarding Breast Reconstruction after Mastectomy Surgery"

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 MRSA §2320-C is enacted to read:

§2320-C. Coverage for mastectomy surgery

All individual and group nonprofit and medical services plan contracts and all nonprofit health care plan contracts providing coverage for mastectomy surgery must provide coverage for reconstruction of the breast on which surgery has been performed and surgery and reconstruction of the other breast to produce a symmetrical appearance if the patient elects reconstruction and in the manner chosen by the patient and the physician.

Sec. 2. 24-A MRSA §2731-A, as enacted by PL 1991, c. 333, §1, is repealed.

Sec. 3. 24-A MRSA §2745-C is enacted to read:

§2745-C. Coverage for mastectomy surgery

All individual health policies providing coverage for mastectomy surgery, except those designed to cover only specific diseases, hospital indemnity or accidental injury, must provide

2 coverage for reconstruction of the breast on which surgery has
3 been performed and surgery and reconstruction of the other breast
4 to produce a symmetrical appearance if the patient elects
5 reconstruction and in the manner chosen by the patient and the
6 physician.

8 Sec. 4. 24-A MRSA §2837-C is enacted to read:

10 **§2837-C. Coverage for mastectomy surgery**

12 All group health policies providing coverage for mastectomy
13 surgery, except those designed to cover only specific diseases,
14 hospital indemnity or accidental injury, must provide coverage
15 for reconstruction of the breast on which surgery has been
16 performed and surgery and reconstruction of the other breast to
17 produce a symmetrical appearance if the patient elects
18 reconstruction and in the manner chosen by the patient and the
19 physician.

20 Sec. 5. 24-A MRSA §4237 is enacted to read:

22 **§4237. Coverage for mastectomy surgery**

24 All individual or group coverage subject to this chapter
25 that provides for mastectomy surgery must provide coverage for
26 reconstruction of the breast on which surgery has been performed
27 and surgery and reconstruction of the other breast to produce a
28 symmetrical appearance if the patient elects reconstruction and
29 in the manner chosen by the patient and the physician.'

30 Further amend the bill by inserting at the end before the
31 statement of fact the following:

34 **FISCAL NOTE**

36 The expansion of health insurance reimbursement provisions
37 related to breast reconstruction after mastectomy surgery will
38 increase the costs of the state employee health insurance program
39 during the current biennium by a total of \$53,500 in fiscal year
40 1995-96 and \$71,300 in fiscal year 1996-97. The General Fund
41 share of these costs is \$26,800 and \$35,700; the Highway Fund
42 share is \$9,600 and \$12,800; and the share for all other funds is
43 \$17,100 and \$22,800. These additional personal services
44 expenditures can be absorbed by all state departments and
45 agencies utilizing existing budgeted resources.

46 The Bureau of Insurance will incur some minor additional
47 costs to process any new filings relative to these changes.
48 These costs can be absorbed within the bureau's existing budgeted
49 resources.
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STATEMENT OF FACT

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6 This amendment is the majority report of the Joint Standing
8 Committee on Banking and Insurance. The amendment replaces the
10 original bill and requires health care insurance and contracts
12 providing coverage for mastectomy surgery, except for those
14 policies covering specific diseases, hospital indemnity or
16 accidental injury, to provide reconstructive surgery for both the
18 breast on which surgery was performed and the other breast to
produce a symmetrical appearance if the patient elects
reconstruction and in the manner chosen by the patient and the
physician. It applies to health maintenance organizations and
nonprofit hospital and medical service corporations. It also
repeals a statutory section that defines medically necessary
mastectomy surgery.