

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1556

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H.P. 1113

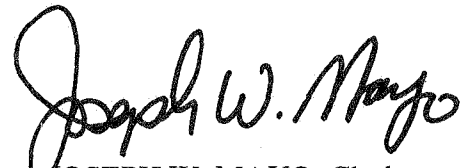
House of Representatives, March 18, 1997

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**An Act to Establish the Breast Care Patient Protection.**

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Reference to the Committee on Banking and Insurance suggested and ordered printed.

  
JOSEPH W. MAYO, Clerk

Presented by Representative DAVIDSON of Brunswick.  
Cosponsored by Senator GOLDTHWAIT of Hancock and  
Representatives: AHEARNE of Madawaska, BRUNO of Raymond, KONTOS of Windham,  
MAYO of Bath, MITCHELL of Portland, SAXL of Bangor, Senators: ABROMSON of  
Cumberland, LaFOUNTAIN of York.

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

2  
3       **Sec. 1. 24 MRSA §2320-C**, as corrected by RR 1995, c. 1, §13,  
4 is repealed and the following enacted in its place:

6       **§2320-C. Coverage for mastectomy surgery**

8       All individual and group nonprofit and medical services plan  
9 contracts and all nonprofit health care plan contracts providing  
10 coverage for mastectomy surgery must provide coverage for:

12       **1. Inpatient care.** Not less than 48 hours of inpatient  
13 care following a mastectomy.

14       Nothing in this subsection may be construed to require the  
15 provision of not less than 48 hours of inpatient coverage when  
16 the attending physician and patient determine that a shorter  
17 period of hospital stay is appropriate.

18       In implementing the requirements of this subsection, an  
19 individual and group nonprofit and medical services plan contract  
20 or a nonprofit health care plan contract may not modify the terms  
21 and conditions of coverage based on the determination by an  
22 enrollee to request less than the minimum coverage required under  
23 this subsection.

24       All individual and group nonprofit and medical services plan  
25 contracts and all nonprofit health care plan contracts must  
26 provide immediate written notice prominently positioned in any  
27 literature or correspondence to each enrollee under the contract  
28 regarding the coverage required by this subsection; and

29       **2. Reconstruction.** Reconstruction of the breast on which  
30 surgery has been performed and surgery and reconstruction of the  
31 other breast to produce a symmetrical appearance if the patient  
32 elects reconstruction and in the manner chosen by the patient and  
33 the physician.

34       **Sec. 2. 24 MRSA §2320-F** is enacted to read:

35       **§2320-F. Coverage of lymph node dissection for treatment of**  
36 **breast cancer**

37       All individual and group nonprofit medical services plan  
38 contracts and all nonprofit health care plan contracts providing  
39 coverage for lymph node dissection for treatment of breast cancer  
40 must provide not less than 24 hours of inpatient care following a  
41 lymph node dissection.

42       Nothing in this section may be construed to require the  
43 provision of not less than 24 hours of inpatient coverage when

2 the attending physician and patient determine that a shorter  
3 period of hospital stay is appropriate.

4 In implementing the requirements of this section, an  
5 individual and group nonprofit medical services plan or nonprofit  
6 health care plan contract may not modify the terms and conditions  
7 of coverage based on the determination by an enrollee to request  
8 less than the minimum coverage required under this section.

10 All individual or group nonprofit and medical services plan  
11 contracts and all nonprofit health care plan contracts must  
12 provide immediate written notice prominently positioned in any  
13 literature or correspondence to each enrollee under the plan  
14 regarding the coverage required by this section.

16 **Sec. 3. 24-A MRSA §2745-C**, as corrected by RR 1995, c. 1,  
17 §15, is repealed and the following enacted in its place:

18 **§2745-C. Coverage for mastectomy surgery**

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

26 **1. Inpatient care.** Not less than 48 hours of inpatient  
27 care following a mastectomy.

28 Nothing in this subsection may be construed to require the  
29 provision of not less than 48 hours of inpatient coverage when  
30 the attending physician and patient determine that a shorter  
31 period of hospital stay is appropriate.

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

38 All individual health policies must provide immediate written  
39 notice prominently positioned in any literature or correspondence  
40 to each enrollee under the policy regarding the coverage required  
41 by this subsection; and

44 **2. Reconstruction.** Reconstruction of the breast on which  
45 surgery has been performed and surgery and reconstruction of the  
46 other breast to produce a symmetrical appearance if the patient  
47 elects reconstruction and in the manner chosen by the patient and  
48 the physician.

50 **Sec. 4. 24-A MRSA §2745-E** is enacted to read:

52 **§2745-E. Coverage for lymph node dissection for treatment of**

breast cancer

2  
4 All individual health policies providing coverage for lymph  
6 node dissection must provide not less than 24 hours of inpatient  
8 care following a lymph node dissection for treatment of breast  
10 cancer.

12 Nothing in this section may be construed to require the  
14 provision of not less than 24 hours of inpatient coverage when  
16 the attending physician and patient determine that a shorter  
18 period of hospital stay is appropriate.

20 In implementing the requirements of this section, an  
22 individual health policy may not modify the terms and conditions  
24 of coverage based on the determination by an enrollee to request  
26 less than the minimum coverage required under this section.

28 All individual health policies subject to this section must  
30 provide immediate written notice prominently positioned in any  
32 literature or correspondence to each enrollee under the policy  
34 regarding the coverage required by this section.

36 **Sec. 5. 24-A MRSA §2837-C**, as corrected by RR 1995, c. 1,  
38 §17, is repealed and the following enacted in its place:

40 **§2837-C. Coverage for mastectomy surgery**

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

48 **1. Inpatient care.** Not less than 48 hours of inpatient  
50 care following a mastectomy.

52 Nothing in this subsection may be construed to require the  
54 provision of not less than 48 hours of inpatient coverage when  
56 the attending physician and patient determine that a shorter  
58 period of hospital stay is appropriate.

60 In implementing the requirements of this subsection, a group  
62 health policy may not modify the terms and conditions of coverage  
64 based on the determination by an enrollee to request less than  
66 the minimum coverage required under this subsection.

68 All group health policies subject to this subsection must provide  
70 immediate written notice prominently positioned in any literature  
72 or correspondence to each enrollee under the group health policy  
74 regarding the coverage required by this subsection; and

76 **2. Reconstruction.** Reconstruction of the breast on which  
78 surgery has been performed and surgery and reconstruction of the  
80 other breast to produce a symmetrical appearance if the patient

elects reconstruction and in the manner chosen by the patient and the physician.

Sec. 6. 24-A MRSA §2837-F is enacted to read:

**§2837-F. Coverage for lymph node dissection for treatment of breast cancer**

All group health policies providing coverage for lymph node dissection must provide not less than 24 hours of inpatient care following a lymph node dissection for treatment of breast cancer.

Nothing in this section may be construed to require the provision of not less than 24 hours of inpatient coverage when the attending physician and patient determine that a shorter period of hospital stay is appropriate.

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

All group health policies subject to this section must provide immediate written notice prominently positioned in any literature or correspondence to each enrollee under the group health policy regarding the coverage required by this section.

Sec. 7. 24-A MRSA §4237, as corrected by RR 1995, c. 1, §21, is repealed and the following enacted in its place:

**§4237. Coverage for mastectomy surgery**

All individual or group coverage subject to this chapter that provides for mastectomy surgery must provide coverage for:

**1. Inpatient care.** Not less than 48 hours of inpatient care following a mastectomy.

Nothing in this subsection may be construed to require the provision of not less than 48 hours of inpatient coverage when the attending physician and patient determine that a shorter period of hospital stay is appropriate.

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

All individual or group coverage subject to this subsection must provide immediate written notice prominently positioned in any literature or correspondence to each enrollee under the

2 individual or group coverage contract regarding the coverage  
3 required by this subsection; and

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

10 **Sec. 8. 24-A MRSA §4243** is enacted to read:

12 **§4253. Coverage for lymph node dissection for treatment of**  
13 **breast cancer**

14 All individual or group coverage subject to this chapter  
15 that provides coverage for lymph node dissection must provide not  
16 less than 24 hours of inpatient care following a lymph node  
17 dissection for treatment of breast cancer.

18 Nothing in this section may be construed to require the  
19 provision of not less than 24 hours of inpatient coverage when  
20 the attending physician and patient determine that a shorter  
21 period of hospital stay is appropriate.

22 In implementing the requirement of this section, an  
23 individual or group coverage contract may not modify the terms  
24 and conditions of coverage based on the determination by an  
25 enrollee to request less than the minimum coverage required under  
26 this section.

27 All individual or group coverage subject to this section  
28 must provide immediate written notice prominently positioned in  
29 any literature or correspondence to each enrollee under the  
30 individual or group coverage contract regarding the coverage  
31 required by this section.

32 **SUMMARY**

33 **40** This bill requires that medical insurance coverage provide a  
34 patient with not less than 48 hours of inpatient care following a  
35 mastectomy and not less than 24 hours of inpatient care following  
36 a lymph node dissection for treatment of breast cancer.