SLS 20RS-772

2020 Regular Session

SENATE BILL NO. 494

BY SENATOR CARTER

INSURANCE POLICIES. Provides relative to coverage for mastectomies and reconstructive surgery. (1/1/21)

1	AN ACT
2	To amend and reenact R.S. 22:1077(A) and R.S. 22:1077(B) and (F)(1) as amended by Act
3	119 of the 2019 Regular Session, relative to reconstructive surgery following
4	mastectomies; to provide with respect to contralateral prophylactic mastectomies;
5	and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 22:1077(A) is hereby amended and reenacted to read as follows:
8	§1077. Required coverage for mastectomies and reconstructive surgery following
9	mastectomies
10	A. The legislature hereby finds that approximately three thousand women
11	will be diagnosed with breast cancer each year in Louisiana. Studies documenting
12	breast cancer statistics indicate that Louisiana has the highest mastectomy rate in the
13	nation: fifty-one percent of all women diagnosed with breast cancer will undergo a
14	mastectomy or bilateral mastectomy as part of their treatment regimen. Despite
15	laws which require insurers and physicians to inform women that breast
16	reconstruction is an insured surgical option, seven of ten women are not provided
17	this information. The purpose of this Section is to assure that state law mirrors the

Page 1 of 4 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

## REENGROSSED SB NO. 494

1	federal Women's Health and Cancer Rights Act, to extend its application to all health
2	insurance issuers in Louisiana, to stress that decisions regarding mastectomies and
3	the reconstructive procedures to be performed shall be made solely by the patient in
4	consultation with attending physicians, and to clarify that mastectomies and all
5	stages of breast reconstruction as defined pursuant to this Section are medically
6	necessary and shall not be excluded from coverage.
7	* * *
8	Section 2. R.S. 22:1077(B) and (F)(1) as amended by Act 119 of the 2019 Regular
9	Session are hereby amended and reenacted to read as follows:
10	§1077. Required coverage for reconstructive surgery following mastectomies
11	* * *
12	B. Any health benefit plan offered by a health insurance issuer that provides
13	medical and surgical benefits with respect to a partial mastectomy or a full unilateral
14	or bilateral mastectomy shall also provide medical and surgical benefits for breast
15	reconstruction. The coverage shall be for <b>mastectomies, including contralateral</b>
16	prophylactic mastectomies, and breast reconstruction procedures selected by the
17	patient in consultation with attending physicians. The coverage provided in this
18	Section may be subject to annual deductibles, coinsurance, and copayment
19	provisions as are consistent with those established for mastectomy procedures under
20	the health benefit plan. Written notice of the availability of coverage shall be
21	delivered to the insured or enrollee upon enrollment and annually thereafter as
22	approved by the commissioner of insurance.
23	* * *
24	F. For purposes of this Section:
25	(1) "Breast reconstruction" means all stages of reconstruction of the breast
26	on which a mastectomy has been performed and on the other breast to produce a
27	symmetrical appearance, including but not limited to liposuction performed for
28	transfer to a reconstructed breast or to repair a donor site deformity, tattooing the
29	areola of the breast, surgical adjustments of the non-mastectomized breast,

Page 2 of 4 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	unforeseen medical complications which may require additional reconstruction in the
2	future, and prostheses and physical complications, including but not limited to
3	<del>lymphedemas.</del>
4	(1) "Breast reconstruction" means both of the following:
5	(a) All staggs of reconstruction of the breast on which a writetard

5 (a) All stages of reconstruction of the breast on which a unilateral mastectomy has been performed and on the other breast to produce a symmetrical 6 appearance, including but not limited to contralateral prophylactic mastectomies, 7 8 liposuction performed for transfer to a reconstructed breast or to repair a donor site 9 deformity, tattooing the areola of the breast, surgical adjustments of the 10 non-mastectomized breast, unforeseen medical complications which may require 11 additional reconstruction in the future, and prostheses and physical complications, 12 including but not limited to lymphedemas.

13 (b) All stages of reconstruction of both breasts if a bilateral mastectomy has been performed, including but not limited to liposuction performed for transfer to a 14 reconstructed breast or to repair a donor site deformity, tattooing the areola of the 15 16 breast, unforeseen medical complications which may require additional reconstruction in the future, and prostheses and physical complications, including but 17 not limited to lymphedemas. 18

- 19
- Section 2.(A) This Act shall become effective on January 1, 2021. 20

(B) This Act shall apply to any new policy, contract, program, or health coverage 21 plan issued on or after January 1, 2021. Any policy, contract, or health coverage plan in 22 effect prior to January 1, 2021, shall convert to conform to the provisions of this Act on or 23 24 before the renewal date, but no later than January 1, 2022.

> The original instrument was prepared by Cheryl B. Cooper. The following digest, which does not constitute a part of the legislative instrument, was prepared by LG Sullivan.

> > DIGEST

SB 494 Reengrossed

2020 Regular Session

Carter

Present law requires health insurance coverage for reconstructive surgery following mastectomies.

Page 3 of 4

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SLS 20RS-772

<u>Proposed law</u> retains <u>present law</u> and includes the requirement of health insurance coverage for contralateral prophylactic mastectomies.

<u>Proposed law</u> provides that <u>proposed law</u> shall apply to any new policy, contract, program, or health coverage plan issued on or after January 1, 2021. Provides that any policy, contract, or health coverage plan in effect prior to January 1, 2021, shall convert to conform to the provisions of <u>proposed law</u> on or before the renewal date, but no later than January 1, 2022.

Effective January 1, 2021.

(Amends R.S. 22:1077 (A) and 1077(B) and (F)(1) as amended by Acts 2019, No. 119)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Insurance to the original <u>bill</u>

1. Makes technical corrections.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

- 1. Provides for an effective date.
- 2. Provides a phase-in of the application of <u>proposed law</u> in calendar year 2021.