

SENATE BILL NO. 494

BY SENATOR CARTER

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AN ACT

To amend and reenact R.S. 22:1077(A) and R.S. 22:1077(B) and (F)(1) as amended by Act 119 of the 2019 Regular Session, relative to reconstructive surgery following mastectomies; to provide with respect to contralateral prophylactic mastectomies; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1077(A) is hereby amended and reenacted to read as follows:

§1077. Required coverage for **mastectomies and** reconstructive surgery following mastectomies

A. The legislature hereby finds that approximately three thousand women will be diagnosed with breast cancer each year in Louisiana. Studies documenting breast cancer statistics indicate that Louisiana has the highest mastectomy rate in the nation: fifty-one percent of all women diagnosed with breast cancer will undergo a mastectomy **or bilateral mastectomy** as part of their treatment regimen. Despite laws which require insurers and physicians to inform women that breast reconstruction is an insured surgical option, seven of ten women are not provided this information. The purpose of this Section is to assure that state law mirrors the federal Women's Health and Cancer Rights Act, to extend its application to all health insurance issuers in Louisiana, to stress that decisions regarding **mastectomies and** the reconstructive procedures to be performed shall be made solely by the patient in consultation with attending physicians, and to clarify that **mastectomies and** all stages of breast reconstruction as defined pursuant to this Section are medically necessary and shall not be excluded from coverage.

\* \* \*

Section 2. R.S. 22:1077(B) and (F)(1) as amended by Act 119 of the 2019 Regular

1 Session are hereby amended and reenacted to read as follows:

2 §1077. Required coverage for reconstructive surgery following mastectomies

3 \* \* \*

4 B. Any health benefit plan offered by a health insurance issuer that provides  
5 medical and surgical benefits with respect to a partial mastectomy or a full unilateral  
6 or bilateral mastectomy shall also provide medical and surgical benefits for breast  
7 reconstruction. The coverage shall be for **mastectomies, including contralateral**  
8 **prophylactic mastectomies, and** breast reconstruction procedures selected by the  
9 patient in consultation with attending physicians. The coverage provided in this  
10 Section may be subject to annual deductibles, coinsurance, and copayment  
11 provisions as are consistent with those established for mastectomy procedures under  
12 the health benefit plan. Written notice of the availability of coverage shall be  
13 delivered to the insured or enrollee upon enrollment and annually thereafter as  
14 approved by the commissioner of insurance.

15 \* \* \*

16 F. For purposes of this Section:

17 ~~(1) "Breast reconstruction" means all stages of reconstruction of the breast~~  
18 ~~on which a mastectomy has been performed and on the other breast to produce a~~  
19 ~~symmetrical appearance, including but not limited to liposuction performed for~~  
20 ~~transfer to a reconstructed breast or to repair a donor site deformity, tattooing the~~  
21 ~~areola of the breast, surgical adjustments of the non-mastectomized breast,~~  
22 ~~unforeseen medical complications which may require additional reconstruction in the~~  
23 ~~future, and prostheses and physical complications, including but not limited to~~  
24 ~~lymphedemas.~~

25 (1) "Breast reconstruction" means both of the following:

26 (a) All stages of reconstruction of the breast on which a unilateral  
27 mastectomy has been performed and on the other breast to produce a symmetrical  
28 appearance, including but not limited to **contralateral prophylactic mastectomies,**  
29 liposuction performed for transfer to a reconstructed breast or to repair a donor site  
30 deformity, tattooing the areola of the breast, surgical adjustments of the

1 non-mastectomized breast, unforeseen medical complications which may require  
2 additional reconstruction in the future, and prostheses and physical complications,  
3 including but not limited to lymphedemas.

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

10 \* \* \*

11 Section 2. This Act shall apply to any new policy, contract, program, or health  
12 coverage plan issued on or after January 1, 2021. Any policy, contract, or health coverage  
13 plan in effect prior to January 1, 2021, shall convert to conform to the provisions of this Act  
14 on or before the renewal date, but no later than January 1, 2021.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_