

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 165 (Senator Madden)
Finance

Health Insurance - Minimum Inpatient Hospitalization Coverage - Mastectomies and Lymph Node Dissections

This bill requires health insurers, nonprofit health service plans, and health maintenance organizations (carriers) to provide a minimum of 48 hours of inpatient hospitalization after a mastectomy and 24 hours of inpatient hospitalization after a lymph node dissection, unless the patient decides, in consultation with the attending physician, on a shorter hospital stay or to receive treatment on an outpatient basis. If the patient’s hospital stay is less than the required minimum, or the patient is treated on an outpatient basis, the carrier must cover one home visit within a 24-hour period, and an additional home visit if prescribed by the patient’s attending physician. The bill also requires notice of this coverage to be provided to enrollees annually.

Fiscal Summary

State Effect: If the State chooses to include the bill’s mandated benefits as part of the State employee health benefit plan, expenditures could increase by an estimated \$10,300 in FY 1998, which reflects the bill’s October 1, 1997 effective date. Future year expenditures reflect annualization and inflation. General fund revenues could increase by an indeterminate amount.

(in dollars)	FY 1998	FY 1999	FY 2000	FY 2001	FY 2002
GF Revenues	---	---	---	---	---
GF/SF/FF	\$10,300	\$14,300	\$15,000	\$15,700	\$16,400
Net Effect	(\$10,300)	(\$14,300)	(\$15,000)	(\$15,700)	(\$16,400)

Note: () - decrease; GF - general funds; FF - federal funds; SF - special funds
* assumes a mix of 60% general funds, 20% special funds, and 20% federal funds

Local Effect: Expenditures for local jurisdiction employee health benefits could increase by an indeterminate amount. Revenues would not be affected.

Small Business Effect: Meaningful effect on small businesses as discussed below.

Fiscal Analysis

State Revenues: In Maryland, the average hospital length of stay for a mastectomy in 1995 ranged from 1.22 days (subtotal mastectomy without complications by health maintenance organizations) to 2.76 days (total mastectomy with complications by all health facilities). These figures, however, do not include ambulatory (outpatient) mastectomy procedures. At the Johns Hopkins Hospital System (JHHS), approximately 60% (160) of all mastectomies are performed on an outpatient basis. JHHS performs over 250 mastectomies annually. Nationally, 8,360 mastectomies were performed on an outpatient basis in 1995. Given the data, requiring a minimum of 48 hours inpatient hospital length of stay would increase medical care costs to carriers. These carriers would raise premiums on their health plans, meaning that general fund revenues could increase by an indeterminate amount in fiscal 1998 as a result of the State's 2% insurance premium tax that would apply to any increased health insurance premiums resulting from the bill. The State's premium tax is only applicable to "for-profit" insurance carriers.

In addition, general fund revenues could increase by an indeterminate amount since insurance companies that do not already provide the coverage mandated by the bill's requirements will be subject to rate and form filing fees. Each insurer (with the exception of health maintenance organizations) that amends its insurance policy must submit the proposed change to the Insurance Administration and pay a \$100 form filing fee. Further, each insurer (with the exception of health maintenance organizations) that revises its rates must submit the proposed rate change to the Insurance Administration and pay a \$100 rate filing fee. It is not possible to reliably estimate the number of insurers who will file new forms and rates as a result of the bill's requirements, since rate and form filings often combine several rate and policy amendments at one time.

State Expenditures: Although the State is self-insured and not required to cover mandated health benefits, in the past the State employee health benefit plan has always included coverage for mandated benefits. Therefore, if the State chooses to include the bill's mandated benefits, expenditures could increase by an estimated \$10,260 (assumes a mix of 60% general funds, 20% special funds, and 20% federal funds) in fiscal 1998, which reflects an October 1, 1997 effective date. The estimate reflects an increase in medical care costs to the State of \$10,125 for nine additional days of hospital care and \$135 for two home care visits in lieu of hospital care.

The estimate for hospital care assumes: (1) average hospital cost per day of \$1,500; (2) patients currently receiving inpatient hospitalization for mastectomies stay at least 48 hours; (3) most patients would prefer inpatient hospitalization when given the option; and (4) there are currently 150,000 State employees, retirees, and dependents under 65 years enrolled in a health plan and this number will remain constant over time. The estimate for home care assumes: (1) the cost per home visit is \$90; (2) patients who currently elect an ambulatory procedure receive follow-up visits at a health care facility; and (3) there would be no change in medical care costs if home visits are substituted for follow-up visits at a health care facility. Future year expenditures reflect medical cost inflation of 4.7% and annualization. Expenditures would increase further if some patients currently receiving inpatient hospitalization for mastectomies stay less than 48 hours and if the cost of home visits is higher than the cost of follow-up visits at a health facility. The extent of the increase, however, cannot be reliably estimated at this time.

It is assumed that most lymph node dissections are performed in conjunction with a mastectomy and, hence, impose no additional cost to the State other than the cost of the mastectomy. However, there could be some instances when a lymph node dissection is performed without a mastectomy: as an ambulatory procedure. In that event, the cost of the mandate may increase State expenditures if it increases the direct medical costs to the State. This cost, however, cannot be reliably estimated at this time.

This bill would not directly affect the Medicaid program, but would indirectly affect it through the health maintenance organizations (HMO) with which Medicaid contracts. The Medicaid program reimburses providers only for medically necessary inpatient hospitalization. Under this bill, HMOs would be required to provide the minimum inpatient hospitalization; however, the Medicaid program may not reimburse providers for all the costs if the program decides that the hospitalization was not medically necessary. In the short term, this bill would not affect the Medicaid program. However, in the long term the bill could increase expenditures minimally if HMOs with which Medicaid contracts persuade the State to increase the reimbursement rates to HMOs to accommodate the increase in costs as a result of the bill.

The cost to the Insurance Administration of monitoring the annual notice required of the carriers by the bill will be passed on to the industry and will not affect State expenditures.

Local Expenditures: Expenditures for local jurisdiction employee health benefits could increase by an indeterminate amount, depending upon the current type of health care coverage offered and number of employees.

Small Business Effect: According to Maryland hospital diagnosis-related group (DRG)

codes compiled by the Health Services Cost Review Commission (HSCRC), the 1995 average length of stay for total and subtotal mastectomies with complications were 2.76 and 2.26 days, respectively; and total and subtotal mastectomies without complications were 1.92 and 1.32 days, respectively. This corresponds to average total costs for inpatient mastectomies ranging from \$3,008 (subtotal mastectomy without complications by HMOs) to \$5,334 (total mastectomy with complications by HMOs). The inpatient hospitalization data, however, do not include data on ambulatory procedures. At the Johns Hopkins Hospital System (JHHS), approximately 60% (160) of all mastectomies are performed on an outpatient basis. JHHS performs over 250 mastectomies annually. Nationally, 8,360 mastectomies were performed on an outpatient basis in 1995. If ambulatory data were combined with inpatient hospitalization data, the average hospital length of stay would be lower, and consequently, this bill would have a meaningful impact on the level of additional inpatient hospitalization after a mastectomy. Given the option of home visits, some patients may elect a shorter hospital stay or an ambulatory procedure. In that event, the savings from choosing the home visit option in lieu of inpatient hospitalization would mitigate some of the increased medical care costs.

The expected increase in medical care costs to small businesses as a result of this bill cannot be reliably estimated at this time, but it is expected to be meaningful. In 1995, 40% of small businesses were covered under the comprehensive standard health benefit plan (CSHBP), which is exempt from State mandated benefits. If the CSHBP adds these benefits as a covered service, the insurance cost for participating small businesses would increase. For the remaining 60% of small businesses, health insurance costs would increase if: (1) they offer health insurance; and (2) their health plan is subject to mandated benefits. To the extent that medical care costs increase as a result of this bill and health carriers raise premiums to cover that increase, self-employed persons and small businesses could face higher health care costs. Alternatively, small business could pass an increase in health insurance premium costs onto their employees.

The bill may generate more business activity for small business nurse staffing agencies. It is assumed that carriers would most likely offer coverage for home visits by nurses. There are approximately 105 nurse staffing agencies licensed in Maryland. To the extent that some of these agencies could be considered a small business and if some home visits are provided by nurses employed by these small business agencies, it would minimally increase revenues for these agencies.

Additional Comments: Less than 36% of insured Maryland residents will be affected by this bill because State mandated benefits do not apply to self-insured health plans (including the State health benefit plan), the comprehensive standard health benefit plan (CSHBP) and federal programs such as FEHBP, CHAMPUS, Medicaid and Medicare (with the exception of enrollees who receive care through a health maintenance organization).

According to 1995 national hospital DRG codes, total and subtotal mastectomies without complications were, respectively, 2.7 and 1.8 days; and total and subtotal mastectomies with complications were, respectively, 3.6 and 3.3 days.

Information Source(s): Insurance Administration; Department of Budget and Management; Department of Health and Mental Hygiene (Medical Care Policy Administration, Health Services Cost Review Commission); Department of Fiscal Services; Foster Higgins; Johns Hopkins Hospital System

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