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**By: Delegate Donoghue**

Introduced and read first time: January 22, 1997

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

**2 Health Benefits Coverage - Inpatient Hospitalization for Mastectomy**

3 FOR the purpose of requiring health insurers, nonprofit health service plans, and health  
4 maintenance organizations to provide coverage for the cost of inpatient  
5 hospitalization services for mastectomy patients for a period of time determined by  
6 the physician in consultation with the patient; providing for the application of this  
7 Act; and prohibiting certain actions against physicians for advocating the interests  
8 of their patients under certain circumstances.

9 BY adding to

10 Article - Insurance  
11 Section 15-822  
12 Annotated Code of Maryland  
13 (1995 Volume and 1996 Supplement)  
14 (As enacted by Chapter \_\_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
15 1997)

16 BY adding to

17 Article - Health - General  
18 Section 19-706(n)  
19 Annotated Code of Maryland  
20 (1996 Replacement Volume and 1996 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
22 MARYLAND, That the Laws of Maryland read as follows:

23 **Article - Insurance**

24 15-822.

25 (A) IN THIS SECTION, "MASTECTOMY" MEANS THE SURGICAL REMOVAL OF  
26 ALL OR PART OF A BREAST AS A RESULT OF BREAST CANCER.

27 (B) THIS SECTION APPLIES TO:

28 (1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE  
29 INPATIENT HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR

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1 GROUPS ON AN EXPENSE-INCURRED BASIS UNDER HEALTH INSURANCE POLICIES  
2 OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

3 (2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE  
4 INPATIENT HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR  
5 GROUPS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

6 (C) AN ENTITY SUBJECT TO THIS SECTION:

7 (1) SHALL PROVIDE COVERAGE FOR THE COST OF INPATIENT  
8 HOSPITALIZATION SERVICES FOR A MASTECTOMY FOR A PERIOD OF TIME  
9 DETERMINED BY THE ATTENDING PHYSICIAN IN CONSULTATION WITH THE  
10 PATIENT UNDERGOING THE MASTECTOMY; AND

11 (2) MAY NOT DENY, LIMIT, OR OTHERWISE IMPAIR THE PARTICIPATION  
12 OF AN ATTENDING PHYSICIAN UNDER CONTRACT WITH THE INSURER, NONPROFIT  
13 HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION IN PROVIDING  
14 HEALTH CARE SERVICES TO ENROLLEES OR INSUREDS FOR ADVOCATING THE  
15 INTEREST OF A PATIENT THROUGH AN APPEAL SYSTEM OR ADVOCATING  
16 INPATIENT HOSPITALIZATION SERVICES FOR A MASTECTOMY.

17 **Article - Health - General**

18 19-706.

19 (N) THE PROVISIONS OF § 15-822 OF THE INSURANCE ARTICLE SHALL APPLY  
20 TO HEALTH MAINTENANCE ORGANIZATIONS.

21 SECTION 2. AND BE IT FURTHER ENACTED, That all health benefit plans  
22 subject to the provisions of this Act shall make the benefits under this Act available on  
23 and after its effective date.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
25 October 1, 1997.