

CF 7r0969

By: Senators Trotter and Munson, Madden, Hollinger, Munson, Dorman, Hafer, Teitelbaum, Young, and Roesser

Introduced and read first time: January 8, 1997

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 4, 1997

CHAPTER _____

1 AN ACT concerning

2 **Health Benefit Plans - Minimum Inpatient Hospitalization Coverage - Mastectomies and**
 3 **~~Lymph Node Dissections~~ Treatments for Breast and Testicular Cancer**

4 FOR the purpose of requiring certain insurers, nonprofit health service plans, and health
 5 maintenance organizations to provide a certain minimum length of inpatient
 6 hospitalization coverage after a mastectomy ~~or, removal of a testicle,~~ lymph node
 7 dissection, ~~or lumpectomy~~ that is performed for the treatment of breast ~~or testicular~~
 8 cancer; requiring that insurers, nonprofit health service plans, and health
 9 maintenance organizations provide coverage for home visits under certain
 10 circumstances; requiring that certain information be provided to a patient prior to
 11 the performance of certain procedures; providing for the termination of certain
 12 provisions of this Act; providing for the effective dates of this Act; providing for the
 13 construction of this Act; requiring certain persons to provide a certain notice;
 14 providing for the application of this Act; defining a certain term; and generally
 15 relating to requiring certain insurers, nonprofit health service plans, and health
 16 maintenance organizations to provide a certain minimum length of inpatient
 17 hospitalization coverage after a mastectomy ~~or, removal of a testicle,~~ lymph node
 18 dissection, ~~or lumpectomy~~ under certain circumstances.

19 BY adding to

20 Article 48A - Insurance Code

21 Section 490KK

22 Annotated Code of Maryland

23 (1994 Replacement Volume and 1996 Supplement)

24 BY adding to

25 Article - Health - General

2

1 Section 19-706(n) and 20-116
2 Annotated Code of Maryland
3 (1996 Replacement Volume and 1996 Supplement)

4 BY adding to
5 Article - Insurance
6 Section 15-822
7 Annotated Code of Maryland
8 (1995 Volume and 1996 Supplement)
9 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of 1997)

10 ~~BY adding to~~
11 ~~Article - Health - General~~
12 ~~Section 19-706(n)~~
13 ~~Annotated Code of Maryland~~
14 ~~(1996 Replacement Volume and 1996 Supplement)~~

15 BY repealing and reenacting, with amendments,
16 Article - Health - General
17 Section 19-706(n)
18 Annotated Code of Maryland
19 (1996 Replacement Volume and 1996 Supplement)
20 (As enacted by Section 2 of this Act)

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

23 **Article 48A - Insurance Code**

24 490KK.

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

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

35 (C) AN ENTITY THAT IS SUBJECT TO THIS SECTION SHALL PROVIDE
36 COVERAGE FOR THE COST OF INPATIENT HOSPITALIZATION SERVICES FOR A
37 MINIMUM OF:

1 (1) 48 HOURS OF INPATIENT HOSPITALIZATION CARE AFTER A
2 MASTECTOMY OR AFTER THE REMOVAL OF A TESTICLE DUE TO TESTICULAR
3 CANCER; AND

4 (2) 24 HOURS OF INPATIENT HOSPITALIZATION CARE AFTER A LYMPH
5 NODE DISSECTION OR LUMPECTOMY FOR THE TREATMENT OF BREAST CANCER.

6 (D) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE PROVISION OF
7 INPATIENT HOSPITALIZATION SERVICES IN ACCORDANCE WITH SUBSECTION (C) OF
8 THIS SECTION WHENEVER THE PATIENT DETERMINES, IN CONSULTATION WITH THE
9 PATIENT'S ATTENDING PHYSICIAN, THAT A SHORTER PERIOD OF INPATIENT
10 HOSPITALIZATION IS APPROPRIATE FOR RECOVERY OR THAT THE MASTECTOMY,
11 REMOVAL OF A TESTICLE, LYMPH NODE DISSECTION, OR LUMPECTOMY CAN BE
12 PERFORMED ON AN OUTPATIENT BASIS.

13 (E) FOR A PATIENT WHO HAS A SHORTER LENGTH OF HOSPITAL STAY THAN
14 THAT PROVIDED UNDER SUBSECTION (C) OF THIS SECTION OR DECIDES THAT THE
15 MASTECTOMY, REMOVAL OF A TESTICLE, LYMPH NODE DISSECTION, OR
16 LUMPECTOMY CAN BE PERFORMED ON AN OUTPATIENT BASIS, AN ENTITY SUBJECT
17 TO THIS SECTION SHALL PROVIDE COVERAGE FOR:

18 (1) ONE HOME VISIT SCHEDULED TO OCCUR WITHIN 24 HOURS AFTER
19 DISCHARGE FROM THE HOSPITAL OR OUTPATIENT HEALTH CARE FACILITY; AND

20 (2) AN ADDITIONAL HOME VISIT IF PRESCRIBED BY THE PATIENT'S
21 ATTENDING PHYSICIAN.

22 (F) EACH ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE NOTICE
23 ANNUALLY TO ITS ENROLLEES AND INSURED ABOUT THE COVERAGE REQUIRED
24 BY THIS SECTION.

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
26 read as follows:

27 **Article - Health - General**

28 19-706.

29 (N) THE PROVISIONS OF ARTICLE 48A, § 490KK OF THE CODE SHALL APPLY TO
30 HEALTH MAINTENANCE ORGANIZATIONS.

31 20-116.

32 (A) IN THIS SECTION, "HEALTH CARE PRACTITIONER" MEANS AN INDIVIDUAL
33 WHO IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED UNDER THE HEALTH
34 OCCUPATIONS ARTICLE TO PROVIDE HEALTH CARE SERVICES IN THE ORDINARY
35 COURSE OF BUSINESS OR PRACTICE OF A PROFESSION.

36 (B) BEFORE A PATIENT UNDERGOES A MASTECTOMY, REMOVAL OF A
37 TESTICLE, LYMPH NODE DISSECTION, OR LUMPECTOMY, WITH THE ASSISTANCE OF
38 THE PATIENT'S ATTENDING PHYSICIAN, THE PATIENT SHALL RECEIVE
39 APPROPRIATE TRAINING, EDUCATIONAL MATERIALS, AND INFORMATION FROM AN

4

1 APPROPRIATE HEALTH CARE PRACTITIONER EXPLAINING THE PROCEDURE THAT
2 THE PATIENT IS ABOUT TO UNDERGO AND NECESSARY POSTPROCEDURE CARE.

3 SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland
4 read as follows:

5 **Article - Insurance**

6 15-822.

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

9 (B) THIS SECTION APPLIES TO:

10 (1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE
11 INPATIENT HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR
12 GROUPS ON AN EXPENSE-INCURRED BASIS UNDER HEALTH INSURANCE POLICIES
13 OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

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

17 (C) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE FOR
18 THE COST OF INPATIENT HOSPITALIZATION SERVICES FOR A MINIMUM OF:

19 (1) 48 HOURS OF INPATIENT HOSPITALIZATION CARE AFTER A
20 MASTECTOMY OR AFTER THE REMOVAL OF A TESTICLE DUE TO TESTICULAR
21 CANCER; AND

22 (2) 24 HOURS OF INPATIENT HOSPITALIZATION CARE AFTER A LYMPH
23 NODE DISSECTION OR LUMPECTOMY FOR THE TREATMENT OF BREAST CANCER.

24 ~~(D) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE PROVISION OF~~
25 ~~INPATIENT HOSPITALIZATION SERVICES IN ACCORDANCE WITH SUBSECTION (C) OF~~
26 ~~THIS SECTION WHENEVER THE PATIENT DECIDES THAT A SHORTER PERIOD OF~~
27 ~~INPATIENT HOSPITALIZATION IS APPROPRIATE FOR RECOVERY.~~

28 (D) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE PROVISION OF
29 INPATIENT HOSPITALIZATION SERVICES IN ACCORDANCE WITH SUBSECTION (C) OF
30 THIS SECTION WHENEVER THE PATIENT DETERMINES, IN CONSULTATION WITH THE
31 PATIENT'S ATTENDING PHYSICIAN, THAT A SHORTER PERIOD OF INPATIENT
32 HOSPITALIZATION IS APPROPRIATE FOR RECOVERY OR THAT THE MASTECTOMY,
33 REMOVAL OF A TESTICLE, LYMPH NODE DISSECTION, OR LUMPECTOMY CAN BE
34 PERFORMED ON AN OUTPATIENT BASIS.

35 (E) FOR A PATIENT WHO HAS A SHORTER LENGTH OF HOSPITAL STAY THAN
36 THAT PROVIDED UNDER SUBSECTION (C) OF THIS SECTION OR DECIDES THAT THE
37 MASTECTOMY, REMOVAL OF A TESTICLE, LYMPH NODE DISSECTION, OR
38 LUMPECTOMY CAN BE PERFORMED ON AN OUTPATIENT BASIS, AN ENTITY SUBJECT
39 TO THIS SECTION SHALL PROVIDE COVERAGE FOR:

5

1 (1) ONE HOME VISIT SCHEDULED TO OCCUR WITHIN 24 HOURS AFTER
2 DISCHARGE FROM THE HOSPITAL OR OUTPATIENT HEALTH CARE FACILITY; AND

3 (2) AN ADDITIONAL HOME VISIT IF PRESCRIBED BY THE PATIENT'S
4 ATTENDING PHYSICIAN.

5 ~~(E)~~ (F) EACH ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE NOTICE
6 ANNUALLY TO ITS ENROLLEES AND INSUREDS ABOUT THE COVERAGE REQUIRED
7 BY THIS SECTION.

8 ~~Article—Health—General~~

9 ~~19-706.~~

10 ~~(N) THE PROVISIONS OF § 15-822 OF THE INSURANCE ARTICLE SHALL APPLY~~
11 ~~TO HEALTH MAINTENANCE ORGANIZATIONS.~~

12 Article - Health - General

13 19-706.

14 (n) The provisions of [Article 48A, § 490KK of the Code] § 15-822 OF THE
15 INSURANCE ARTICLE shall apply to health maintenance organizations.

16 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall apply to all
17 new policies or health benefit plans issued or delivered in the State on or after July 1,
18 1997 and to the renewal of all policies in effect before July 1, 1997, except that any policy
19 or health benefit plan in effect before July 1, 1997 shall comply with the provisions of this
20 Act no later than July 1, 1998.

21 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to Sections 6 and
22 7 of this Act, this Act shall take effect July 1, 1997.

23 SECTION 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
24 take effect July 1, 1997. Section 2 of this Act shall remain effective for a period of 4 years
25 and 3 months and, at the end of September 30, 2001, with no further action required by
26 the General Assembly, Section 2 of this Act shall be abrogated and of no further force
27 and effect.

28 SECTION 2- 7. AND BE IT FURTHER ENACTED, That Section 3 of this Act
29 shall take effect October 1, 1997. Section 3 of this Act shall remain effective for a period
30 of 4 years and, at the end of September 30, 2001, with no further action required by the
31 General Assembly, Section 3 of this Act shall be abrogated and of no further force and
32 effect.

