
By: Senator Hollinger

Introduced and read first time: January 17, 1997

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurers and Health Maintenance Organizations - Inpatient Hospitalization**
3 **Coverage - Treatments for Breast or 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 or a lymph node
7 dissection that is performed for the treatment of breast or testicular cancer;
8 requiring that insurers, nonprofit health service plans, and health maintenance
9 organizations provide coverage for home visits under certain circumstances;
10 providing for the construction of this Act; requiring certain persons to provide a
11 certain notice; providing for the application of this Act; defining a certain term; and
12 generally relating to requiring certain insurers, nonprofit health service plans, and
13 health maintenance organizations to provide a certain minimum length of inpatient
14 hospitalization coverage after a mastectomy, removal of a testicle, or a lymph node
15 dissection under certain circumstances.

16 BY adding to

17 Article - Insurance
18 Section 15-822
19 Annotated Code of Maryland
20 (1995 Volume and 1996 Supplement)
21 (As enacted by Chapter ____ (H.B. 11) of the Acts of the General Assembly of
22 1997)

23 BY adding to

24 Article - Health - General
25 Section 19-706(n)
26 Annotated Code of Maryland
27 (1996 Replacement Volume and 1996 Supplement)

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

2

1 **Article - Insurance**

2 15-822.

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

5 (B) THIS SECTION APPLIES TO:

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

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

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

15 (1) 48 HOURS OF INPATIENT HOSPITALIZATION CARE AFTER A
16 MASTECTOMY OR AFTER THE REMOVAL OF A TESTICLE DUE TO TESTICULAR
17 CANCER; AND

18 (2) 24 HOURS OF INPATIENT HOSPITALIZATION CARE AFTER A LYMPH
19 NODE DISSECTION FOR THE TREATMENT OF BREAST CANCER.

20 (D) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE THE PROVISION OF
21 INPATIENT HOSPITALIZATION SERVICES IN ACCORDANCE WITH SUBSECTION (C) OF
22 THIS SECTION WHENEVER THE PATIENT DETERMINES, IN CONSULTATION WITH THE
23 PATIENT'S ATTENDING PHYSICIAN, THAT A SHORTER PERIOD OF INPATIENT
24 HOSPITALIZATION IS APPROPRIATE FOR RECOVERY OR THAT THE MASTECTOMY,
25 REMOVAL OF A TESTICLE, OR LYMPH NODE DISSECTION CAN BE PERFORMED ON AN
26 OUTPATIENT BASIS.

27 (E) IN IMPLEMENTING THIS SECTION, AN ENTITY THAT IS SUBJECT TO THIS
28 SECTION MAY NOT MODIFY THE TERMS OR CONDITIONS OF COVERAGE BASED ON A
29 DETERMINATION OF AN ENROLLEE OR INSURED OF THE ENTITY TO REQUEST LESS
30 THAN THE MINIMUM COVERAGE REQUIRED UNDER SUBSECTION (C) OF THIS
31 SECTION.

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

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

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

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1 (G) EACH ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE NOTICE
2 ANNUALLY TO ITS ENROLLEES AND INSUREDS ABOUT THE COVERAGE REQUIRED
3 BY THIS SECTION.

4 **Article - Health - General**

5 19-706.

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 1997.