
By: **Delegates Benson and Nathan-Pulliam**

Introduced and read first time: January 20, 2006

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance - Coverage for Hospitalization After Mastectomy**

3 FOR the purpose of requiring certain health insurance carriers to provide inpatient
4 hospitalization coverage for a certain minimum length of time following a
5 mastectomy that is performed for the treatment of breast cancer; providing that
6 the inpatient hospitalization services required under this Act need not be
7 provided if a patient, in consultation with the patient's attending physician,
8 determines that a shorter period of inpatient hospitalization is appropriate for
9 recovery; establishing that an entity subject to this Act may not deny, limit, or
10 otherwise impair the participation of an attending provider under contract with
11 the entity under certain circumstances; requiring certain entities to provide a
12 certain notice to enrollees and insureds; defining a certain term; and generally
13 relating to inpatient hospitalization coverage after a mastectomy.

14 BY adding to

15 Article - Health - General

16 Section 19-706(ggg)

17 Annotated Code of Maryland

18 (2005 Replacement Volume and 2005 Supplement)

19 BY adding to

20 Article - Insurance

21 Section 15-832.1

22 Annotated Code of Maryland

23 (2002 Replacement Volume and 2005 Supplement)

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

1 **Article - Health - General**

2 19-706.

3 (GGG) THE PROVISIONS OF § 15-832.1 OF THE INSURANCE ARTICLE APPLY TO
4 HEALTH MAINTENANCE ORGANIZATIONS.

5 **Article - Insurance**

6 15-832.1.

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 HOSPITALIZATION COVERAGE TO INDIVIDUALS OR GROUPS ON AN
12 EXPENSE-INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR CONTRACTS
13 THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

14 (2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE INPATIENT
15 HOSPITALIZATION COVERAGE TO INDIVIDUALS OR GROUPS UNDER CONTRACTS
16 THAT ARE ISSUED OR DELIVERED IN THE STATE.

17 (C) (1) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE INPATIENT
18 HOSPITALIZATION COVERAGE FOR THE COST OF SERVICES FOR AN OVERNIGHT STAY
19 FOLLOWING A MASTECTOMY THAT IS PERFORMED FOR THE TREATMENT OF BREAST
20 CANCER.

21 (2) IF A PHYSICAL COMPLICATION RELATED TO THE MASTECTOMY
22 SHOULD OCCUR, AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE COVERAGE
23 FOR THE ADDITIONAL COST OF INPATIENT HOSPITALIZATION SERVICES BEYOND AN
24 OVERNIGHT STAY FOLLOWING A MASTECTOMY.

25 (D) THIS SECTION DOES NOT REQUIRE THE PROVISION OF INPATIENT
26 HOSPITALIZATION SERVICES IN ACCORDANCE WITH SUBSECTION (C) OF THIS
27 SECTION IF A PATIENT DETERMINES, IN CONSULTATION WITH THE PATIENT'S
28 ATTENDING PROVIDER, THAT A SHORTER PERIOD OF INPATIENT HOSPITALIZATION
29 IS APPROPRIATE FOR RECOVERY.

30 (E) AN ENTITY SUBJECT TO THIS SECTION MAY NOT DENY, LIMIT, OR
31 OTHERWISE IMPAIR THE PARTICIPATION OF AN ATTENDING PROVIDER UNDER
32 CONTRACT WITH THE ENTITY IN PROVIDING HEALTH CARE SERVICES TO
33 ENROLLEES OR INSUREDS FOR:

34 (1) ADVOCATING THE INTEREST OF A MASTECTOMY PATIENT THROUGH
35 THE ENTITY'S UTILIZATION REVIEW OR APPEALS SYSTEM;

1 (2) ADVOCATING FOR AN OVERNIGHT STAY FOLLOWING A
2 MASTECTOMY; OR

3 (3) ADVOCATING FOR ADDITIONAL INPATIENT HOSPITALIZATION IF
4 THERE ARE ANY PHYSICAL COMPLICATIONS RELATED TO A MASTECTOMY.

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2006.