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Date: (Filing No. S-)

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STATE OF MAINE
SENATE
127TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT “ ” to H.P. 246, L.D. 359, Bill, “An Act To Assist Persons with Breast Cancer”

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 24 MRSA §2320-C, sub-§1, as enacted by PL 1997, c. 408, §2 and affected by §8, is amended to read:

1. Inpatient care. All individual and group nonprofit hospital and medical services plan contracts providing coverage for medical and surgical benefits must ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time determined by the attending physician, after providing notice to the patient regarding the coverage required by this subsection and in consultation with the patient, to be medically appropriate following a mastectomy, a lumpectomy or a lymph node dissection for the treatment of breast cancer.

Nothing in this subsection may be construed to require the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is appropriate.

In implementing the requirements of this subsection, an individual and group nonprofit hospital and medical services plan contract may not modify the terms and conditions of coverage based on the determination by any enrollee to request less than the minimum coverage required under this subsection.

All individual and group nonprofit hospital and medical services plan contracts must provide written notice to each enrollee under the contract regarding the coverage required by this subsection. The notice must be prominently positioned in any literature or correspondence made available or distributed by the plan and must be transmitted in the next mailing made by the plan to the enrollee or as part of any yearly information packet sent to the enrollee, whichever is earlier. The notice must also be made available to any physician participating in the insurer's provider network.

Sec. 2. 24-A MRSA §2745-C, sub-§1, as enacted by PL 1997, c. 408, §4 and affected by §8, is amended to read:

SENATE AMENDMENT

1 **1. Inpatient care.** All individual health policies providing coverage for medical and
2 surgical benefits, except accidental injury, specified disease, hospital indemnity,
3 Medicare supplement, long-term care and other limited benefit health insurance policies
4 and contracts, must ensure that inpatient coverage with respect to the treatment of breast
5 cancer is provided for a period of time determined by the attending physician, after
6 providing notice to the patient regarding the coverage required by this subsection and in
7 consultation with the patient, to be medically appropriate following a mastectomy, a
8 lumpectomy or a lymph node dissection for the treatment of breast cancer.

9 Nothing in this subsection may be construed to require the provision of inpatient
10 coverage if the attending physician and patient determine that a shorter period of hospital
11 stay is appropriate.

12 In implementing the requirements of this subsection, an individual health policy may not
13 modify the terms and conditions of coverage based on the determination by any enrollee
14 to request less than the minimum coverage required under this subsection.

15 All individual health policies must provide written notice to each enrollee under the
16 contract regarding the coverage required by this subsection. The notice must be
17 prominently positioned in any literature or correspondence made available or distributed
18 by the plan and must be transmitted in the next mailing made by the plan to the enrollee
19 or as part of any yearly information packet sent to the enrollee, whichever is earlier. The
20 notice must also be made available to any physician participating in the insurer's provider
21 network.

22 **Sec. 3. 24-A MRSA §2837-C, sub-§1,** as enacted by PL 1997, c. 408, §6 and
23 affected by §8, is amended to read:

24 **1. Inpatient care.** All group health policies providing coverage for medical and
25 surgical benefits, except accidental injury, specified disease, hospital indemnity,
26 Medicare supplement, long-term care and other limited benefit health insurance policies
27 and contracts, must ensure that inpatient coverage with respect to the treatment of breast
28 cancer is provided for a period of time determined by the attending physician, after
29 providing notice to the patient regarding the coverage required by this subsection and in
30 consultation with the patient, to be medically appropriate following a mastectomy, a
31 lumpectomy or a lymph node dissection for the treatment of breast cancer.

32 Nothing in this subsection may be construed to require the provision of inpatient
33 coverage if the attending physician and patient determine that a shorter period of hospital
34 stay is appropriate.

35 In implementing the requirements of this subsection, a group health policy may not
36 modify the terms and conditions of coverage based on the determination by any enrollee
37 to request less than the minimum coverage required under this subsection.

38 All group health policies must provide written notice to each enrollee under the contract
39 regarding the coverage required by this subsection. The notice must be prominently
40 positioned in any literature or correspondence made available or distributed by the plan
41 and must be transmitted in the next mailing made by the plan to the enrollee or as part of
42 any yearly information packet sent to the enrollee, whichever is earlier. The notice must
43 also be made available to any physician participating in the insurer's provider network.

1 **Sec. 4. 24-A MRSA §4237, sub-§1**, as enacted by PL 1997, c. 408, §7 and
 2 affected by §8, is amended to read:

3 **1. Inpatient care.** All individual and group coverage subject to this chapter that
 4 provides coverage for medical and surgical benefits must ensure that inpatient coverage
 5 with respect to the treatment of breast cancer is provided for a period of time determined
 6 by the attending physician, after providing notice to the patient regarding the coverage
 7 required by this subsection and in consultation with the patient, to be medically
 8 appropriate following a mastectomy, a lumpectomy or a lymph node dissection for the
 9 treatment of breast cancer.

10 Nothing in this subsection may be construed to require the provision of inpatient
 11 coverage if the attending physician and patient determine that a shorter period of hospital
 12 stay is appropriate.

13 In implementing the requirements of this subsection, an individual or group coverage
 14 contract may not modify the terms and conditions of coverage based on the determination
 15 by any enrollee to request less than the minimum coverage required under this subsection.

16 All individual and group coverage subject to this subsection must provide written notice
 17 to each enrollee under the contract regarding the coverage required by this subsection.
 18 The notice must be prominently positioned in any literature or correspondence made
 19 available or distributed by the plan and must be transmitted in the next mailing made by
 20 the plan to the enrollee or as part of any yearly information packet sent to the enrollee,
 21 whichever is earlier. The notice must also be made available to any physician
 22 participating in the insurer's provider network.

23 **Sec. 5. Application.** The requirements of this Act apply to all policies, contracts
 24 and certificates executed, delivered, issued for delivery, continued or renewed in this
 25 State on or after January 1, 2016. For purposes of this Act, all contracts are deemed to be
 26 renewed no later than the next yearly anniversary of the contract date.'

27 **SUMMARY**

28 This amendment strikes the bill and requires carriers to provide written notice
 29 regarding the requirements for inpatient coverage following treatment of breast cancer to
 30 physicians participating in the carrier's provider network and requiring attending
 31 physicians to provide a similar notice to patients when consulting with patients about
 32 breast cancer treatment. The amendment strikes the provisions in the bill requiring that
 33 inpatient coverage be provided for a hospital stay of no less than 48 hours following a
 34 mastectomy or lumpectomy or no less than 24 hours following a lymph node dissection.

35 **SPONSORED BY:** _____

36 (b Senator WHITTEMORE)

37 **COUNTY:** Somerset