

# SENATE BILL REPORT

## SB 5465

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As Reported By Senate Committee On:  
Financial Institutions, Insurance & Housing, February 13, 1997

**Title:** An act relating to treatment to restore physical function.

**Brief Description:** Providing treatment to restore physical function.

**Sponsors:** Senators Jacobsen, Wood and Prentice.

**Brief History:**

Committee Activity: Financial Institutions, Insurance & Housing: 2/4/97, 2/13/97 [DPS].

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### SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, INSURANCE & HOUSING

**Majority Report:** That Substitute Senate Bill No. 5465 be substituted therefor, and the substitute bill do pass.

Signed by Senators Winsley, Chair; Benton, Vice Chair; Kline and Prentice.

**Staff:** Catherine Mele (786-7470)

**Background:** Under current law a disability insurer, group disability insurer, health care service contractor, and health maintenance organization must provide coverage for reconstructive breast surgery because of a mastectomy that results from disease, illness, or injury. In addition, these carriers must provide coverage for all stages of one reconstructive breast reduction on the nondiseased breast to make it equal in size with the diseased breast after definitive reconstructive surgery on the diseased breast has been performed.

There are concerns that disability insurers, group disability insurers, health care service contractors, health maintenance organizations, and state-purchased health plans should provide coverage for treatment of male physical dysfunction resulting from disease, illness, or injury.

**Summary of Substitute Bill:** Disability insurers, group disability insurers, health care service contractors, health maintenance organizations, and state-purchased health plans must provide coverage for initial surgical implantation of penile prosthesis as treatment for male erectile dysfunction that is the direct result of identifiable and diagnosed organic disease, illness, or injury or from surgery or other treatment for disease, illness or injury.

**Substitute Bill Compared to Original Bill:** The substitute bill only provides coverage for the implantation of penile prosthesis as treatment for male erectile dysfunction. The original bill provided insurance coverage for any treatment for male erectile dysfunction. The substitute bill requires that state-purchased health care plans provide coverage for implantation of penile prosthesis, while the original bill does not include this requirement.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Current data shows that impotency is only 10 percent physiological. The vast majority of causes of impotence are medical conditions covered by insurance companies such as high blood pressure, diabetes, and prostate cancer. Fifty to 80 percent of men that have prostate surgery have traded much or all of their sexual abilities for life saving surgery. Impotence can often time be more devastating to a man's self esteem and family relationships than the underlying health problems causing the impotence. The Legislature has rightly recognized the emotionally devastating nature of radical breast surgery for women with cancer, and today coverage is mandated for reconstruction. In the interest of equitable health care, the Legislature should provide men with the same rights.

**Testimony Against:** We are opposed to any bill that mandates benefits. This is because the state can only mandate benefits for 40 to 50 percent of the market in Washington. The rest of the coverages are not within the state's regulatory authority because they are union trust or ERISA plans regulated by the federal government. This bill also does not include state-purchased plans, which should also be subject to the mandated benefit requirements.

**Testified:** Senator Ken Jacobsen, prime sponsor; Leo R. Ward; Lee Roy A. Warner (pro); Robert Lynch, AAPR (pro); Ken Bertrand, Group Health (con); Scott Westland (pro).