

HOUSE BILL REPORT

HB 1101

As Reported by House Committee On:
Health Care & Wellness

Title: An act relating to providing patients with information on options for breast reconstruction.

Brief Description: Providing patients with information on options for breast reconstruction.

Sponsors: Representatives Moeller and Kenney.

Brief History:

Committee Activity:

Health Care & Wellness: 2/14/11, 2/17/11 [DPS].

Brief Summary of Substitute Bill

- Requires physicians to inform patients undergoing a mastectomy, a lymph node dissection, or a lumpectomy about options for reconstructive surgery.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Cody, Chair; Jinkins, Vice Chair; Clibborn, Green, Kelley, Moeller and Van De Wege.

Minority Report: Do not pass. Signed by 4 members: Representatives Schmick, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Bailey and Harris.

Staff: Jim Morishima (786-7191).

Background:

Breast cancer is sometimes treated with a mastectomy, which is a surgery to remove all or part of the breast. There are several types of mastectomy, including total mastectomy (removal of the breast) and lumpectomy (removal of the cancerous tissue and a small amount of the normal tissue around it). In addition, cancer patients are sometimes given a lymph node dissection, which is the removal of the lymph nodes to check for cancer.

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Federal law requires group health plans that cover mastectomies to cover breast reconstruction, including all stages of reconstruction of the breast on which the mastectomy has been performed, surgery and reconstruction of the other breast to produce a symmetrical appearance, and prostheses and physical complications of mastectomy, including lymphedemas (lymphatic obstructions).

Similarly, state law requires disability insurers, group and blanket disability insurers, health care services contractors, and health maintenance organizations to cover breast reconstructive surgery and all stages of one reconstructive breast reduction on the non-diseased breast to make it equal in size to the diseased breast.

Summary of Substitute Bill:

An osteopathic physician and surgeon or a physician performing a mastectomy, lymph node dissection, or lumpectomy must provide the patient with information regarding the option of post-procedure reconstructive surgery. The information must be provided in writing in advance of, or simultaneously with, obtaining consent and must include at least:

- a description of the various reconstructive options and the advantages and disadvantages of each, including a statement that breast reconstruction may not be appropriate for all patients;
- a description of the federal and state laws requiring coverage for breast reconstructive surgery;
- a description on how a patient may access reconstructive care, including the potential of transferring to another facility or choosing to pursue reconstruction after the completion of breast surgery and chemotherapy or radiotherapy; and
- any other information as may be required by the Board of Osteopathic Medicine or the Medical Quality Assurance Commission.

Substitute Bill Compared to Original Bill:

The substitute bill:

- gives the responsibility for providing the information about breast reconstruction to the physician, instead of the hospital or ambulatory surgical facility;
- clarifies that the information may be given simultaneously with obtaining consent for the procedure, in addition to in advance of obtaining consent; and
- requires that the information provided to the patient include a statement that breast reconstruction may not be appropriate for all patients.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Washington has one of the highest rates of breast cancer in the nation. Having a mastectomy has both physical and psychological impacts on patients. Insurers are not only required to cover mastectomies, but also breast reconstruction. Many patients are not provided with the option of breast reconstruction.

(With concerns) Placing a standard practice like this in statute is unprecedented. This bill should be directed at the practitioners, not the facilities.

(Opposed) None.

Persons Testifying: (In support) Representative Moeller, prime sponsor; Allen Gabriel; and Judy Huberty.

(With concerns) Susie Tracy, Washington Association of Ambulatory Surgery Centers.

Persons Signed In To Testify But Not Testifying: None.