

HOUSE BILL REPORT

SSB 5481

As Passed House:
April 6, 2017

Title: An act relating to breast cancer.

Brief Description: Requiring the insurance commissioner to educate breast cancer patients about the availability of insurance coverage for breast reconstruction and breast prostheses.

Sponsors: Senate Committee on Health Care (originally sponsored by Senators Cleveland, Rivers, Becker, Kuderer, Keiser, Carlyle and Saldaña).

Brief History:

Committee Activity:

Health Care & Wellness: 3/14/17, 3/22/17 [DP].

Floor Activity:

Passed House: 4/6/17, 97-0.

Brief Summary of Substitute Bill

- Requires the Health Care Authority and the Department of Health (DOH) to implement a campaign to educate breast cancer patients about the availability of insurance coverage for breast reconstruction and prostheses.
- Requires the Office of the Insurance Commissioner and the DOH to distribute educational materials about insurance coverage for breast reconstruction and prostheses.

HOUSE COMMITTEE ON HEALTH CARE & WELLNESS

Majority Report: Do pass. Signed by 17 members: Representatives Cody, Chair; Macri, Vice Chair; Schmick, Ranking Minority Member; Graves, Assistant Ranking Minority Member; Caldier, Clibborn, DeBolt, Harris, Jinkins, MacEwen, Maycumber, Riccelli, Robinson, Rodne, Slatter, Stonier and Tharinger.

Staff: Alexa Silver (786-7190).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The federal Women's Health and Cancer Rights Act requires a health plan that provides benefits related to a mastectomy to cover breast reconstruction surgery, surgery and reconstruction of the other breast to produce a symmetrical appearance, prostheses, and physical complications of mastectomy. Health plans are also required to notify beneficiaries of these coverage requirements.

State law also requires carriers to cover reconstructive breast surgery following a mastectomy, as well as reconstruction of the other breast to make it equal in size.

Summary of Bill:

The Health Care Authority (HCA), in coordination with the Department of Health (DOH), must create and implement a campaign to educate breast cancer patients about the availability of insurance coverage for breast reconstruction and prostheses. The agencies may create new educational materials or make available materials that are published by for-profit or nonprofit organizations. The materials must provide information about:

- the availability of breast reconstruction surgery following a mastectomy, including that the reconstruction surgery may be performed at the time of a mastectomy or may be delayed;
- prostheses or breast forms as alternatives to breast reconstruction surgery; and
- the requirements of the Women's Health and Cancer Rights Act of 1998, including the right to breast reconstruction surgery even if the surgery is delayed.

The Office of the Insurance Commissioner and the HCA must distribute the materials to people receiving their services. Distribution may be accomplished through current methods used to inform consumers, including by posting information online, or other methods used by the agencies. The DOH must also make the materials available to health care professionals for distribution to patients who may qualify for breast reconstruction surgery after a mastectomy. The DOH may use its current methods to provide health care professionals with informational materials, including by posting the materials online.

No private right of action is created.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) Too many breast cancer survivors are unaware of their options when it comes to reconstruction surgery. Breast reconstruction used to be considered cosmetic surgery, but the federal Women's Health and Cancer Rights Act was passed in 1998 to require health plans to cover reconstructive surgery and prostheses. For some patients, reconstruction can help with the trauma by making them feel whole again. Given the choice, nearly 60 percent of women opt for reconstruction. Other women may choose to wear external prostheses.

Many patients believe that reconstructive surgery and prostheses are not covered by insurance, either because they are not informed of their reconstruction rights or because they hear only a fraction of the information that is shared with them at the time of diagnosis. Patients should be provided with consistent information on all options prior to making important, life-changing decisions. This bill will help ensure that accurate information is available to patients when they are ready to assimilate it. It requires the Health Care Authority and the Department of Health, in conjunction with the Office of the Insurance Commissioner, to develop educational materials to make women aware of their reconstruction rights. There is no fiscal impact.

(Opposed) None.

Persons Testifying: Senator Cleveland, prime sponsor; Jami Rice, PeaceHealth; Don Stose, Wendi Decker, and Sherry Stose, Pink Lemonade Project; and Lonnie Johns-Brown, Office of the Insurance Commissioner.

Persons Signed In To Testify But Not Testifying: None.