

SENATE BILL REPORT

SB 5100

As of January 18, 2023

Title: An act relating to breast or chest wall reconstruction surgery.

Brief Description: Concerning breast or chest wall reconstruction surgery.

Sponsors: Senators Wellman, Rivers, Dhingra and Wilson, C..

Brief History:

Committee Activity: Health & Long Term Care: 1/20/23.

Brief Summary of Bill

- Requires health carriers to provide coverage for breast reconstruction surgery, and beginning January 1, 2024, coverage for chest wall reconstruction.
- Requires the Department of Health to develop a standardized written summary explaining the medically viable methods of treating breast cancer, and options for breast and chest wall reconstruction.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Staff: Greg Attanasio (786-7410)

Background: The Federal Women's Health and Cancer Rights law requires most group insurance plans that cover mastectomies to also cover breast reconstruction. State law also provides that health care plans must provide coverage for reconstructive breast surgery resulting from a mastectomy that resulted from disease, illness, or injury. State law further requires coverage for surgery and reconstruction of the other breast to produce a symmetrical appearance.

In 2015, Congress passed the Breast Cancer Patient Education Act requiring the Secretary

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of the Department of Health and Human Services (HHS) to plan an education campaign for breast cancer patients to inform them of reconstruction and prosthetic options. Information on breast reconstruction can be found on HHS's website.

In 2017, the Legislature directed the Health Care Authority to coordinate with the Department of Health (DOH) to create and implement a campaign to educate breast cancer patients about the availability of insurance coverage for breast reconstruction and breast prostheses.

Summary of Bill: Health plans must provide coverage for breast reconstruction surgery after a mastectomy or partial mastectomy for all stages of reconstruction of the breast on which the mastectomy or partial mastectomy has been performed, and surgery and reconstruction of the other breast to produce a symmetrical appearance.

A health plan issued or renewed on or after January 1, 2024, must provide coverage for chest wall reconstruction surgery after a mastectomy or partial mastectomy for all stages of reconstruction of the chest wall on which the mastectomy or partial mastectomy has been performed, and surgery and reconstruction of the other chest wall to produce a symmetrical appearance.

Coverage for chest wall reconstruction surgery shall include aesthetic flat closure as defined by the National Cancer Institute.

All coverage under this act must be provided without prior authorization, but may be subject to annual deductibles or other cost-sharing requirements.

DOH must develop a standardized written summary explaining the medically viable methods of treating breast cancer, including but not limited to hormonal, radiological, chemotherapeutic or surgical treatments, or combinations thereof. The summary must contain information on breast or chest wall reconstructive surgery, including but not limited to the use of breast implants, their side effects, risks, and other pertinent information to aid a person in deciding on a course of treatment.

Physicians treating patients for breast cancer must make the information prepared by DOH available to their patients.

Appropriation: None.

Fiscal Note: Requested on January 10, 2023.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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