

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE BILL NO. 1532

By: Blackburn, Gray and
Voskuhl of the House

and

Weedn of the Senate

An Act relating to insurance; creating the Oklahoma Breast Cancer Patient Protection Act; requiring certain health plans to provide coverage for treatment of breast cancer and breast conditions; providing for construction of act; providing for coverage of certain reconstructive breast surgery; prohibiting certain modifications of terms and conditions of coverage; requiring certain notice; defining terms; providing for promulgation of rules; providing for codification; and providing an effective date.

AUTHORS: Add the following Senate Coauthors: Morgan, Campbell, Gustafson

AMENDMENT NO. 1. Page 1, line 11, strike the title, enacting clause and entire bill and insert

"An Act relating to insurance; creating the Oklahoma Breast Cancer Patient Protection Act; requiring certain health plans to provide coverage for treatment of breast cancer and breast conditions; providing for construction of act; providing for coverage of certain reconstructive breast surgery; providing exception; prohibiting certain modifications of terms and conditions of coverage; requiring certain notice; defining term; providing for promulgation of rules; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6060.4 of Title 36, unless there is created a duplication in numbering, reads as follows:

A. This section shall be known and may be cited as the "Oklahoma Breast Cancer Patient Protection Act".

B. Any health benefit plan that is offered, issued or renewed in this state on or after January 1, 1998, that provides medical and surgical benefits with respect to the treatment of breast cancer and other breast conditions shall ensure that coverage is provided for not less than forty-eight (48) hours of inpatient care following a mastectomy and not less than twenty-four (24) hours of inpatient care following a lymph node dissection for the treatment of breast cancer.

C. Nothing in this section shall be construed as requiring the provision of inpatient coverage where the attending physician in consultation with the patient determines that a shorter period of hospital stay is appropriate.

D. Any plan subject to subsection B of this section shall also provide coverage for reconstructive breast surgery performed as a result of a partial or total mastectomy, except as prohibited by federal laws or regulations pertaining to Medicaid. Because breasts are a paired organ, any such reconstructive breast surgery shall include coverage for all stages of reconstructive breast surgery performed on a nondiseased breast to establish symmetry with a diseased breast when reconstructive surgery on the diseased breast is performed, provided that the reconstructive surgery and any adjustments made to the non-diseased breast must occur within twenty-four (24) months of reconstruction of the diseased breast.

E. In implementing the requirements of this section, a health benefit plan may not modify the terms and conditions of coverage based on the determination by an enrollee to request less than the minimum coverage required pursuant to subsections B and D of this section.

F. A health benefit plan shall provide notice to each insured or enrollee under such plan regarding the coverage required by this section in the plan's evidence of coverage, and shall provide additional written notice of the coverage to the insured or enrollee as follows:

1. In the next mailing made by the plan to the employee;
2. As part of any yearly informational packet sent to the enrollee; or
3. Not later than December 1, 1997;

whichever is earlier.

G. As used in this act, "health benefit plan" means any plan or arrangement as defined in subsection G of Section 6060.3 of Title 36 of the Oklahoma Statutes.

H. The Insurance Commissioner shall promulgate any rules necessary to implement the provisions of this section.

SECTION 2. This act shall become effective November 1, 1997."

Passed the Senate the 7th day of April, 1997.

President of the Senate

Passed the House of Representatives the ____ day of

_____, 1997.

Speaker

of the House of
Representatives