

2020 Regular Session

SENATE BILL NO. 494

BY SENATOR CARTER

INSURANCE POLICIES. Provides relative to coverage for mastectomies and reconstructive surgery. (1/1/21)

1 AN ACT

2 To amend and reenact R.S. 22:1077(A) and R.S. 22:1077(B) and (F)(1) as amended by Act  
3 119 of the 2019 Regular Session, relative to reconstructive surgery following  
4 mastectomies; to provide with respect to contralateral prophylactic mastectomies;  
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:1077(A) is hereby amended and reenacted to read as follows:

8 §1077. Required coverage for **mastectomies and** reconstructive surgery following  
9 mastectomies

10 A. The legislature hereby finds that approximately three thousand women  
11 will be diagnosed with breast cancer each year in Louisiana. Studies documenting  
12 breast cancer statistics indicate that Louisiana has the highest mastectomy rate in the  
13 nation: fifty-one percent of all women diagnosed with breast cancer will undergo a  
14 mastectomy **or bilateral mastectomy** as part of their treatment regimen. Despite  
15 laws which require insurers and physicians to inform women that breast  
16 reconstruction is an insured surgical option, seven of ten women are not provided  
17 this information. The purpose of this Section is to assure that state law mirrors the

1 federal Women's Health and Cancer Rights Act, to extend its application to all health  
 2 insurance issuers in Louisiana, to stress that decisions regarding mastectomies and  
 3 the reconstructive procedures to be performed shall be made solely by the patient in  
 4 consultation with attending physicians, and to clarify that mastectomies and all  
 5 stages of breast reconstruction as defined pursuant to this Section are medically  
 6 necessary and shall not be excluded from coverage.

7 \* \* \*

8 Section 2. R.S. 22:1077(B) and (F)(1) as amended by Act 119 of the 2019 Regular  
 9 Session are hereby amended and reenacted to read as follows:

10 §1077. Required coverage for reconstructive surgery following mastectomies

11 \* \* \*

12 B. Any health benefit plan offered by a health insurance issuer that provides  
 13 medical and surgical benefits with respect to a partial mastectomy or a full unilateral  
 14 or bilateral mastectomy shall also provide medical and surgical benefits for breast  
 15 reconstruction. The coverage shall be for mastectomies, including contralateral  
 16 prophylactic mastectomies, and breast reconstruction procedures selected by the  
 17 patient in consultation with attending physicians. The coverage provided in this  
 18 Section may be subject to annual deductibles, coinsurance, and copayment  
 19 provisions as are consistent with those established for mastectomy procedures under  
 20 the health benefit plan. Written notice of the availability of coverage shall be  
 21 delivered to the insured or enrollee upon enrollment and annually thereafter as  
 22 approved by the commissioner of insurance.

23 \* \* \*

24 F. For purposes of this Section:

25 ~~(1) "Breast reconstruction" means all stages of reconstruction of the breast~~  
 26 ~~on which a mastectomy has been performed and on the other breast to produce a~~  
 27 ~~symmetrical appearance, including but not limited to liposuction performed for~~  
 28 ~~transfer to a reconstructed breast or to repair a donor site deformity, tattooing the~~  
 29 ~~areola of the breast, surgical adjustments of the non-mastectomized breast,~~



Proposed law retains present law and includes the requirement of health insurance coverage for contralateral prophylactic mastectomies.

Proposed law provides that proposed law shall apply to any new policy, contract, program, or health coverage plan issued on or after January 1, 2021. Provides that any policy, contract, or health coverage plan in effect prior to January 1, 2021, shall convert to conform to the provisions of proposed law on or before the renewal date, but no later than January 1, 2022.

Effective January 1, 2021.

(Amends R.S. 22:1077 (A) and 1077(B) and (F)(1) as amended by Acts 2019, No. 119)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Insurance to the original bill

1. Makes technical corrections.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Provides for an effective date.
2. Provides a phase-in of the application of proposed law in calendar year 2021.