

2018 Regular Session

SENATE BILL NO. 556

BY SENATORS CARTER, ALARIO, APPEL, BARROW, BISHOP, BOUDREAUX, CHABERT, CLAITOR, CORTEZ, DONAHUE, ERDEY, FANNIN, GATTI, HEWITT, JOHNS, LAFLEUR, LONG, LUNEAU, MARTINY, MILKOVICH, MILLS, MIZELL, MORRELL, PEACOCK, PRICE, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH AND WHITE AND REPRESENTATIVE STOKES

HEALTH CARE. Provides relative to information and access to breast reconstructive surgery. (8/1/18)

1 AN ACT

2 To amend and reenact R.S. 40:1103.1 and to enact R.S. 40:1103.5, relative to health care;
3 to provide for information and access to breast reconstructive surgery; and to provide
4 for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:1103.1 is hereby amended and reenacted and R.S. 40:1103.5 is
7 hereby enacted to read as follows:

8 §1103.1. Short title

9 This Part shall be known and may be cited as the "Carter Stokes Oral and
10 Written Summary of Breast Cancer Treatment Alternatives **and Access to Breast**
11 **Reconstruction Surgery Information** Law".

12 * * *

13 §1103.5. Information and access to breast reconstructive surgery

14 Every hospital licensed by the Louisiana Department of Health pursuant
15 to R.S. 40:2100 et seq., and every Louisiana physician who provides mastectomy
16 surgery, lymph node dissection, or a lumpectomy shall provide information to
17 the patient concerning the option of reconstructive surgery following such

1 procedures, including the availability of coverage for reconstructive surgery, in
 2 accordance with the state insurance law and applicable provisions of federal
 3 law. The information shall be provided to the patient in writing and in advance
 4 of obtaining consent to the surgical procedure. At a minimum, the information
 5 provided shall include the following:

6 (1) A description of the various reconstructive options and the
 7 advantages and disadvantages of each.

8 (2) A description of the provisions assuring coverage by public and
 9 private insurance plans of the costs related to reconstructive surgery under
 10 federal and state law.

11 (3) A description of how a patient may access reconstructive care,
 12 including the potential of transferring care to a facility that provides
 13 reconstructive care or choosing to pursue reconstruction after completion of
 14 breast cancer surgery and chemotherapy or radiotherapy, if warranted.

15 (4) Other information as may be required by the secretary of health.

The original instrument was prepared by Jerry J. Guillot. The following digest, which does not constitute a part of the legislative instrument, was prepared by Linda Nugent.

DIGEST

SB 556 Reengrossed

2018 Regular Session

Carter

Proposed law requires every hospital licensed by the Louisiana Department of Health and every Louisiana physician who provides mastectomy surgery, lymph node dissection, or a lumpectomy to provide information to the patient concerning the option of reconstructive surgery following such procedures, including the availability of coverage for reconstructive surgery, in accordance with the state insurance law and applicable provisions of federal law.

Proposed law requires the information be provided to the patient in writing and in advance of obtaining consent to the surgical procedure.

Proposed law requires that at a minimum the information include the following:

- (1) A description of the various reconstructive options and the advantages and disadvantages of each.
- (2) A description of the provisions assuring coverage by public and private insurance plans of the costs related to reconstructive surgery under federal and state law.
- (3) A description of how a patient may access reconstructive care, including the potential of transferring care to a facility that provides reconstructive care or choosing to pursue reconstruction after completion of breast cancer surgery and

chemotherapy and radiotherapy, if warranted.

- (4) Other information as may be required by the secretary of health.

Present law is known as the "Oral and Written Summary of Breast Cancer Treatment Alternatives Law". Proposed law renames Part as the "Carter Stokes Oral and Written Summary of Breast Cancer Treatment Alternatives and Access to Breast Reconstruction Surgery Information Law".

Effective August 1, 2018.

(Amends R.S. 40:1103.1; adds R.S. 40:1103.5)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Clarifies that the requirement to provide reconstruction surgery information applies to all hospitals licensed by LDH.
2. Renames law as the "Carter Stokes Oral and Written Summary of Breast Cancer Treatment Alternatives and Access to Breast Reconstruction Surgery Information Law".

Senate Floor Amendments to engrossed bill

1. Requires that the requirement to provide reconstruction surgery information also applies to all Louisiana physicians who provide mastectomy surgery, lymph node dissection, or a lumpectomy.
2. Makes legislative bureau technical amendments.