

104TH CONGRESS
2D SESSION

H. R. 4296

To require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 1996

Ms. DELAURO (for herself, Mr. DINGELL, Mr. SANDERS, Mr. COSTELLO, Mr. FOGLIETTA, Mr. MORAN, Mrs. LOWEY, Mr. PALLONE, Mrs. MEEK of Florida, Mr. LOBIONDO, Ms. PELOSI, Mr. NADLER, Ms. ESHOO, Mrs. MALONEY, Ms. NORTON, Mrs. CLAYTON, and Ms. SLAUGHTER) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To require that health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissection for the treatment of breast cancer.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Breast Cancer Patient
5 Protection Act of 1996”.

1 **SEC. 2. REQUIRED COVERAGE FOR MINIMUM HOSPITAL**
2 **STAY FOR MASTECTOMIES AND LYMPH NODE**
3 **DISECTIONS FOR THE TREATMENT OF**
4 **BREAST CANCER.**

5 (a) IN GENERAL.—A health plan that provides medi-
6 cal and surgical benefits with respect to the treatment of
7 breast cancer shall ensure that coverage is provided for
8 not less than 48 hours of inpatient care following a mas-
9 tectomy and not less than 24 hours of inpatient care fol-
10 lowing a lymph node dissection for the treatment of breast
11 cancer.

12 (b) EXCEPTION.—Nothing in this section shall be
13 construed as requiring the provision of inpatient coverage
14 where the attending physician and patient determine that
15 a shorter period of hospital stay is appropriate.

16 (c) PROHIBITION.—In implementing the require-
17 ments of this section, a health plan may not modify the
18 terms and conditions of coverage based on the determina-
19 tion by an enrollee to request less than the minimum cov-
20 erage required under subsection (a).

21 (d) NOTICE.—A health plan shall provide notice to
22 each enrollee under such plan regarding the coverage re-
23 quired by this section in accordance with regulations pro-
24 mulgated by the Secretary of Health and Human Services.
25 Such notice shall be in writing and prominently positioned

1 in any literature or correspondence made available or dis-
2 tributed by the health plan and shall be transmitted—

3 (1) in the next mailing made by the plan to the
4 employee;

5 (2) as part of any yearly informational packet
6 sent to the enrollee; or

7 (3) not later than January 1, 1997;

8 whichever is earlier.

9 (e) HEALTH PLAN.—

10 (1) IN GENERAL.—As used in this Act, the
11 term “health plan” means any plan or arrangement
12 which provides, or pays the cost of, health benefits.

13 (2) EXCLUSIONS.—Such term does not include
14 the following, or any combination thereof:

15 (A) Coverage only for accidental death or
16 dismemberment.

17 (B) Coverage providing wages or payments
18 in lieu of wages for any period during which the
19 employee is absent from work on account of
20 sickness or injury.

21 (C) A Medicare supplemental policy (as de-
22 fined in section 1882(g)(1) of the Social Secu-
23 rity Act).

24 (D) Coverage issued as a supplement to li-
25 ability insurance.

1 (E) Worker's compensation or similar in-
2 surance.

3 (F) Automobile medical-payment insur-
4 ance.

5 (G) A long-term care policy, including a
6 nursing home fixed indemnity policy (unless the
7 Secretary determines that such a policy pro-
8 vides sufficiently comprehensive coverage of a
9 benefit so that it should be treated as a health
10 plan).

11 (H) Such other plan or arrangement as the
12 Secretary of Health and Human Services deter-
13 mines is not a health plan.

14 (3) CERTAIN PLANS INCLUDED.—Such term in-
15 cludes any plan or arrangement not described in any
16 subparagraph of paragraph (2) which provides for
17 benefit payments, on a periodic basis, for—

18 (A) a specified disease or illness, or

19 (B) period of hospitalization,

20 without regard to the costs incurred or services ren-
21 dered during the period to which the payments re-
22 late.

1 **SEC. 3. EFFECTIVE DATE.**

2 The provisions of section 2 shall apply to all health
3 plans offered, sold, issued, renewed, in effect, or operated
4 after the date of the enactment of this Act.

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