

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 714

Short Title: Coverage for Reconstr. Surgery.

(Public)

Sponsors: Senators Forrester; Ballantine, Cochrane, Hoyle, Lucas, Martin of Pitt, Martin of Guilford, Odom, Page, and Winner.

Referred to: Pensions & Retirement and Insurance.

April 7, 1997

A BILL TO BE ENTITLED

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2 AN ACT TO REQUIRE HEALTH AND ACCIDENT INSURANCE POLICIES,
3 HOSPITAL OR MEDICAL SERVICE PLANS, HMO PLANS, AND THE
4 TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL
5 PLAN, TO PROVIDE COVERAGE FOR RECONSTRUCTIVE BREAST
6 SURGERY RESULTING FROM MASTECTOMY.

7 The General Assembly of North Carolina enacts:

8 Section 1. Article 51 of Chapter 58 of the General Statutes is amended by
9 adding the following new section to read:

10 "**§ 58-51-61. Coverage for reconstructive breast surgery resulting from mastectomy.**

11 (a) Every policy or contract of accident and health insurance, and every preferred
12 provider contract, policy, or plan as defined and regulated under G.S. 58-50-50 and G.S.
13 58-50-55, that is issued, renewed, or amended on or after January 1, 1998, and that
14 provides coverage for mastectomy shall provide coverage for reconstructive breast
15 surgery resulting from a mastectomy. The coverage shall include coverage for all stages
16 and revisions of reconstructive breast surgery performed on a nondiseased breast to
17 establish symmetry when reconstructive surgery on a diseased breast is performed. The
18 same deductibles, coinsurance, and other limitations as apply to similar services covered

1 under the policy, contract, or plan shall apply to coverage for reconstructive breast
2 surgery.

3 (b) As used in this section, the following terms have the meanings indicated:

4 (1) 'Mastectomy' means the surgical removal of all or part of a breast as a
5 result of breast cancer or breast disease.

6 (2) 'Reconstructive breast surgery' means surgery performed as a result of a
7 mastectomy to reestablish symmetry between the two breasts, and
8 includes reconstruction of the mastectomy site, creation of a new breast
9 mound, and creation of a new nipple areolar complex. 'Reconstructive
10 breast surgery' also includes augmentation mammoplasty, reduction
11 mammoplasty, and mastopexy of the nondiseased breast.'

12 Section 2. Article 65 of Chapter 58 of the General Statutes is amended by
13 adding the following new section to read:

14 **"§ 58-65-96. Coverage for reconstructive breast surgery following mastectomy.**

15 (a) Every insurance certificate or subscriber contract under any hospital service
16 plan or medical service plan governed by this Article and Article 66 of this Chapter, and
17 every preferred provider contract, policy, or plan as defined and regulated under G.S. 58-
18 50-50 and G.S. 58-50-55, that is issued, renewed, or amended on or after January 1, 1998,
19 that provides coverage for mastectomy shall provide coverage for reconstructive breast
20 surgery resulting from a mastectomy. The coverage shall include coverage for all stages
21 and revisions of reconstructive breast surgery performed on a nondiseased breast to
22 establish symmetry when reconstructive surgery on a diseased breast is performed. The
23 same deductibles, coinsurance, and other limitations as apply to similar services covered
24 under the policy, contract, or plan shall apply to coverage for reconstructive breast
25 surgery.

26 (b) As used in this section, the following terms have the meanings indicated:

27 (1) 'Mastectomy' means the surgical removal of all or part of a breast as a
28 result of breast cancer or breast disease.

29 (2) 'Reconstructive breast surgery' means surgery performed as a result of a
30 mastectomy to reestablish symmetry between the two breasts, and
31 includes reconstruction of the mastectomy site, creation of a new breast
32 mound, and creation of a new nipple areolar complex. 'Reconstructive
33 breast surgery' also includes augmentation mammoplasty, reduction
34 mammoplasty, and mastopexy of the nondiseased breast.'

35 Section 3. Article 67 of Chapter 58 of the General Statutes is amended by
36 adding the following new section to read:

37 **"§ 58-67-79. Coverage for reconstructive breast surgery following mastectomy.**

38 (a) Every health care plan written by a health maintenance organization and in
39 force, issued, renewed, or amended on or after January 1, 1998, that is subject to this
40 Article and that provides coverage for mastectomy shall provide coverage for
41 reconstructive breast surgery resulting from a mastectomy. The coverage shall include
42 coverage for all stages and revisions of reconstructive breast surgery performed on a
43 nondiseased breast to establish symmetry when reconstructive surgery on a diseased

1 breast is performed. The same deductibles, coinsurance, and other limitations as apply to
2 similar services covered under the policy, contract, or plan shall apply to coverage for
3 reconstructive breast surgery.

4 (b) As used in this section, the following terms have the meanings indicated:

5 (1) 'Mastectomy' means the surgical removal of all or part of a breast as a
6 result of breast cancer or breast disease.

7 (2) 'Reconstructive breast surgery' means surgery performed as a result of a
8 mastectomy to reestablish symmetry between the two breasts, and
9 includes reconstruction of the mastectomy site, creation of a new breast
10 mound, and creation of a new nipple areolar complex. 'Reconstructive
11 breast surgery' also includes augmentation mammoplasty, reduction
12 mammoplasty, and mastopexy of the nondiseased breast."

13 Section 4. G.S. 58-50-155 reads as rewritten:

14 "**§ 58-50-155. Standard and basic health care plan coverages.**

15 (a) Notwithstanding G.S. 58-50-125(c), the standard health plan developed and
16 approved under G.S. 58-50-125 shall provide coverage for mammograms and pap smears
17 at least equal to the coverage required by G.S. 58-51-57.

18 (a1) Notwithstanding G.S. 58-50-125(c), the standard health plan developed and
19 approved under G.S. 58-50-125 shall provide coverage for prostate-specific antigen
20 (PSA) tests or equivalent tests for the presence of prostate cancer at least equal to the
21 coverage required by G.S. 58-51-58.

22 (a2) Notwithstanding G.S. 58-50-125(c), the standard health plan developed and
23 approved under G.S. 58-50-125 shall provide coverage for reconstructive breast surgery
24 resulting from a mastectomy at least equal to the coverage required by G.S. 58-51-61.

25 (b) Notwithstanding G.S. 58-50-125(c), in developing and approving the plans
26 under G.S. 58-50-125, the Committee and Commissioner shall give due consideration to
27 cost-effective and life-saving health care services and to cost-effective health care
28 providers. This section shall be effective after July 10, 1991."

29 Section 5. Effective January 1, 1998, G.S. 135-40.6(5) is amended by adding
30 the following new sub-subdivision to read:

31 "h. Reconstructive Breast Surgery: Reconstructive breast surgery
32 resulting from a mastectomy. The coverage shall include all
33 stages and revisions of reconstructive breast surgery performed
34 on a nondiseased breast to establish symmetry when
35 reconstructive surgery on a diseased breast is performed. As
36 used in this sub-subdivision, (i) 'mastectomy' means the surgical
37 removal of all or part of a breast as a result of breast cancer or
38 breast disease; (ii) 'reconstructive breast surgery' means surgery
39 performed as a result of a mastectomy to reestablish symmetry
40 between the two breasts, and includes reconstruction of the
41 mastectomy site, creation of a new breast mound, and creation of
42 a new nipple areolar complex. 'Reconstructive breast surgery'
43 also includes augmentation mammoplasty, reduction

1 mammoplasty, and mastopexy of the nondiseased breast.
2 Coverage described under this sub-subdivision shall not be
3 denied on the basis that the coverage is for cosmetic surgery."

4 Section 6. Nothing in this act shall apply to specified accident, specified
5 disease, hospital indemnity, or long-term care health insurance policies.

6 Section 7. This act is effective when it becomes law.