
Health Care & Wellness Committee

HB 1101

Brief Description: Providing patients with information on options for breast reconstruction.

Sponsors: Representatives Moeller and Kenney.

Brief Summary of Bill

- Requires hospitals and ambulatory surgical facilities to inform patients undergoing a mastectomy, lymph node dissection, or lumpectomy about reconstructive surgery options.

Hearing Date: 2/14/11

Staff: Jim Morishima (786-7191).

Background:

Breast cancer is sometimes treated with a mastectomy, which is a surgery to remove all or part of the breast. There are several types of mastectomy, including total mastectomy (removal of the breast) and lumpectomy (removal of the cancerous tissue and a small amount of the normal tissue around it). In addition, cancer patients are sometimes given a lymph node dissection, which is the removal of the lymph nodes to check for cancer.

Federal law requires group health plans that cover mastectomies to cover breast reconstruction, including all stages of reconstruction of the breast on which the mastectomy has been performed, surgery and reconstruction of the other breast to produce a symmetrical appearance, and prostheses and physical complications of mastectomy, including lymphedemas (lymphatic obstructions).

Similarly, state law requires disability insurers, group and blanket disability insurers, health care services contractors, and health maintenance organizations to cover breast reconstructive surgery and all stages of one reconstructive breast reduction on the non-diseased breast to make it equal in size to the diseased breast.

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Summary of Bill:

A hospital or ambulatory surgical facility in which a mastectomy, lymph node dissection, or lumpectomy is performed must provide the patient with information regarding the option of post-procedure reconstructive surgery. The information must be provided in writing in advance of obtaining consent and must include at least:

- a description of the various reconstructive options and the advantages and disadvantages of each;
- a description of the federal and state laws requiring coverage for breast reconstructive surgery;
- a description on how a patient may access reconstructive care, including the potential of transferring to another facility or choosing to pursue reconstruction after the completion of breast surgery and chemotherapy or radiotherapy; and
- any other information as may be required by the Department of Health.

Appropriation: None.

Fiscal Note: Requested on February 10, 2011.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.