

# SENATE BILL REPORT

## SB 5481

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As Reported by Senate Committee On:  
Health Care, February 16, 2017

**Title:** An act relating to breast cancer.

**Brief Description:** Requiring the insurance commissioner to educate breast cancer patients about the availability of insurance coverage for breast reconstruction and breast prostheses.

**Sponsors:** Senators Cleveland, Rivers, Becker, Kuderer, Keiser, Carlyle and Saldaña.

**Brief History:**

**Committee Activity:** Health Care: 2/06/17, 2/16/17 [DPS, w/oRec].

**Brief Summary of Substitute Bill**

- Requires the Health Care Authority and the Department of Health to develop educational materials that inform women of the availability of breast reconstruction and breast prostheses after a mastectomy.

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### SENATE COMMITTEE ON HEALTH CARE

**Majority Report:** That Substitute Senate Bill No. 5481 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rivers, Chair; Cleveland, Ranking Minority Member; Kuderer, Assistant Ranking Minority Member; Bailey, Baumgartner, Conway, Fain, Keiser, Miloscia, Mullet, O'Ban and Walsh.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Becker, Vice Chair.

**Staff:** Kathleen Buchli (786-7488)

**Background:** Federal Women's Health and Cancer Rights law requires most group insurance plans that cover mastectomies to also cover breast reconstruction. State law also provides that health care plans must provide coverage for reconstructive breast surgery resulting from a mastectomy that resulted from disease, illness, or injury.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

In 2015, the U.S. Congress passed the Breast Cancer Patient Education Act in response to concerns that less than half of all women requiring mastectomies were offered breast reconstructive surgery. The Breast Cancer Patient Education Act requires the Secretary of the Department of Health and Human Services (HHS) to plan an education campaign for breast cancer patients to inform them of reconstruction and prosthetic options. Information on breast reconstruction can be found on HHS's website.

**Summary of Bill (First Substitute):** The Health Care Authority (HCA) must coordinate with the Department of Health (DOH) to create and implement a campaign to educate breast cancer patients about the availability of insurance coverage for breast reconstruction and breast prostheses. HCA and DOH may create new educational materials or make available materials published by for-profit or non-profit organizations. The materials developed must include: information about the availability of breast reconstruction following a mastectomy, information about prostheses or breast forms as an alternative to breast reconstruction surgery, and information on the requirements of the Women's Health and Cancer Rights law.

The educational materials developed must be made available to the Office of the Insurance Commission and HCA to people receiving their services. DOH must make the information available to health care professionals for distribution to patients.

**EFFECT OF CHANGES MADE BY HEALTH CARE COMMITTEE (First Substitute):**

- Allows educational materials to be distributed using the methods currently used to inform consumers, including posting the materials online.
- Provides that the requirement to produce and distribute educational materials does not create a private right of action.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: Too many breast cancer survivors are unaware of the options for reconstructive surgery and it is important that all women have access to information to understand their choices. Breast reconstruction can restore the breast to the condition before surgery but it is equally important that women know about all the alternatives include prostheses. Only 70 percent of women know that insurance covers the full range of options. It may be that a rural provider that has been in practice for a long time may not know the full range of options and all the rights of the patient. Patients need the most current information on all the options. The OIC is supportive of women having this information but it would be helpful to clarify the expectations for the information sharing in the bill. Women receiving a diagnosis often only hear 20-30 percent of the information that is being shared with them so it is important that materials exist that cover all the

options. The information needs to be readily available and standardized to assist women with making the best health care decisions. The pink lemonade project has been very helpful getting the information to women about their full range of options.

**Persons Testifying:** PRO: Senator Annette Cleveland, Prime Sponsor; Lonnie Johns-Brown, Office of the Insurance Commissioner; Wendi Decker, patient; Sandra Day, citizen; Allen Gabriel, citizen; Don Stose, Pink Lemonade Project.

**Persons Signed In To Testify But Not Testifying:** No one.