

SENATE BILL REPORT

SB 5345

As of February 4, 2019

Title: An act relating to health plan coverage for contralateral prophylactic mastectomies.

Brief Description: Concerning health plan coverage for contralateral prophylactic mastectomies.

Sponsors: Senators Cleveland, Rivers, Wilson, L., Darneille, Keiser, Rolfes, Kuderer, Walsh, Wilson, C. and Saldaña.

Brief History:

Committee Activity: Health & Long Term Care: 2/04/19.

Brief Summary of Bill

- Requires health plans, beginning January 1, 2020, to cover contralateral prophylactic mastectomies for certain health plan enrollees.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Staff: Evan Klein (786-7483)

Background: The federal Women's Health and Cancer Rights Act requires most group insurance plans that provide benefits related to a mastectomy to cover breast reconstruction surgery, surgery and reconstruction of the other breast to produce a symmetrical appearance, prostheses, and physical complications of mastectomy. Health plans are also required to notify beneficiaries of these coverage requirements.

State law also requires carriers to cover reconstructive breast surgery following a mastectomy, as well as reconstruction of the other breast to make it equal in size.

Contralateral prophylactic mastectomy (CPM) is the removal of a breast in the absence of a malignant disease, which is sometimes used to reduce the risk of breast cancer occurrence.

Summary of Bill: Health plans issued or renewed on or after January 1, 2020, must provide coverage for CPM to enrollees who:

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- are determined by their physician to be at a high risk of developing breast cancer in the contralateral breast;
- have a genetic defect predisposing them to breast cancer; or
- have a desire for symmetry and reconstruction of both breasts following removal of a breast due to breast cancer.

If a health carrier refers an individual to a nonparticipating provider for CPM services or procedures, the services or procedures must be provided at no additional cost to the individual beyond what the individual would otherwise pay for services provided by a participating provider.

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: PRO: The journey of fighting breast cancer is a long journey of unknowns. The journey will make a women different, but stronger. The goal is to provide women options to come out of breast cancer stronger than when they started. If a mastectomy is the choice a patient wants to make, or their only option, they should be afforded that option. As of January 2019, 3.4 million women have been diagnosed or are living with breast cancer. This is a disease of women who may be at their height of functionality in their life, and is not necessarily a disease of the elderly. Many women are not informed when diagnosed of what their options are, including the fact that there will be a cosmetic impact to them. Patients who are diagnosed with cancer want to be able to do everything they can to be a long-term survivor. There is no cure for breast cancer, so treatment is the only recourse. Insurance coverage is vital to treatment and recovery. If insurance denies double-mastectomies, it may lead to missing additional tumors than what are originally found. Insurance should also not be able to pre-approve double mastectomies, as it delays a patient's ability to get the procedure.

OTHER: Insurance carriers are not opposed to this bill when double mastectomies are medically necessary. It is important that insurance carriers can continue to perform utilization management. There is also concern that not all genetic tests are created equal, and the bill should be tightened to ensure that the tests used are credible. It is also important to ensure that someone can get one surgery on both breasts at the same time, and want to make sure that the language in the bill allows for that.

Persons Testifying: PRO: Senator Annette Cleveland, Prime Sponsor; Toni Storm-Dickerson, Doctor, MD; Sandra Day, citizen; Liosa O'Malley, citizen; Kathleen Lecount Green, Washington State Patrol; Linda Wilson, Senator; Don Stotes, Co Chair, Pink Lemonade Project.

OTHER: Carrie Tellefson, Regence Blue Shield.

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