

House Bill 79

By: Representative Parham of the 122<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated,  
2 relating to breast cancer patient care, so as to change certain provisions relating to coverage  
3 for inpatient care and follow-up visits after mastectomies or lymph node dissections; to  
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 3 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to  
8 breast cancer patient care, is amended by striking Code Section 33-24-72, relating to  
9 coverage for inpatient care and follow-up visits after mastectomies or lymph node  
10 dissections, and inserting in lieu thereof the following:

11 "33-24-72.

12 (a) As used in this Code section, the term:

13 (1) 'Attending physician' means any surgeon or other physician attending the breast  
14 cancer patient.

15 (2) 'Health benefit policy' means any individual or group plan, policy, or contract for  
16 health care services issued, delivered, issued for delivery, or renewed in this state,  
17 including, but not limited to, any policy of limited benefit insurance as defined in  
18 paragraph (4) of subsection (e) of Code Section 33-30-12 and those contracts executed  
19 by the State of Georgia on behalf of indigents and on behalf of state employees under  
20 Article 1 of Chapter 18 of Title 45, by a health care corporation, health maintenance  
21 organization, preferred provider organization, accident and sickness insurer, fraternal  
22 benefit society, hospital service corporation, medical service corporation, or other insurer  
23 or similar entity; ~~except that such term does not include any policy of limited benefit~~  
24 ~~insurance as defined in paragraph (4) of subsection (e) of Code Section 33-30-12.~~

1 (3) 'Insurer' means an accident and sickness insurer, fraternal benefit society, hospital  
 2 service corporation, medical service corporation, health care corporation, health  
 3 maintenance organization, managed care plan other than a dental plan, or any similar  
 4 entity authorized to issue contracts under this title and also means any state program  
 5 funded under Title XIX of the federal Social Security Act, 42 U.S.C.A. Section 1396 et  
 6 seq., and any other publicly funded state health care program.

7 (4) 'Lymph node dissection' means the removal of a part of the lymph node system under  
 8 the arm using general anesthesia as part of a diagnostic process that is used to evaluate  
 9 the spread of cancer and to determine the need for further treatment.

10 (5) 'Mastectomy' means surgical removal of one or both breasts.

11 (b) Every health benefit policy that provides surgical benefits for mastectomies that is  
 12 delivered, issued, executed, or renewed in this state or approved for issuance or renewal  
 13 in this state by the Commissioner on or after July 1, ~~1999~~ 2001, shall provide coverage in  
 14 a licensed health care facility for inpatient care following a mastectomy or lymph node  
 15 dissection, including without limitation coverage for all stages of reconstruction of a breast  
 16 on which a mastectomy has been performed, surgery and reconstruction of the other breast  
 17 to produce a symmetrical appearance, and prostheses and physical complications of  
 18 mastectomy such as lymphedemas, until the completion of the appropriate period of stay  
 19 for such inpatient care as determined by the attending physician in consultation with the  
 20 patient. Coverage shall be provided also for such number of follow-up visits as determined  
 21 to be appropriate by the attending physician after consultation with the patient. Such  
 22 follow-up visits shall be conducted by a physician, a physician's assistant, or a registered  
 23 professional nurse with experience and training in postsurgical care. In consultation with  
 24 the patient, such attending physician, physician's assistant, or registered professional nurse  
 25 shall determine whether any follow-up visit or visits will be conducted at home or at the  
 26 office.

27 (c) Every insurer shall provide notice to policyholders regarding the coverage required by  
 28 this Code section. The notice shall be in writing and prominently positioned in any of the  
 29 following literature:

30 (1) The next mailing to the policyholder;

31 (2) The yearly informational packets sent to the policyholder; or

32 (3) Other literature mailed before January 1, ~~2000~~ 2002.

33 (d) No insurer covered under this Code section shall deselect, terminate the services of,  
 34 require additional utilization review, reduce capitation payment, or otherwise penalize an  
 35 attending physician or other health care provider who orders care consistent with the  
 36 provisions of this Code section. For purposes of this subsection, health care provider shall  
 37 include the attending physician and hospital."

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**SECTION 2.**

2 All laws and parts of laws in conflict with this Act are repealed.