

The House Committee on Insurance offers the following substitute to HB 79:

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:

**SECTION 1.**

6 Article 3 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to  
7 breast cancer patient care, is amended by adding a new Code Section 33-24-72.1 following  
8 Code Section 33-24-72 to read as follows:  
9

10 "33-24-72.1.

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

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

14 (2) 'Health benefit policy' means any policy of limited benefit insurance as defined in  
15 paragraph (4) of subsection (e) of Code Section 33-30-12, within the maximum limits of  
16 said policy.

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

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

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

1 (b)(1) Every health benefit policy that provides surgical benefits for mastectomies that  
2 is delivered, issued, executed, or renewed in this state or approved for issuance or  
3 renewal in this state by the Commissioner on or after January 1, 2002, shall provide  
4 coverage in a licensed health care facility for inpatient care following a mastectomy or  
5 lymph node dissection, including coverage for all stages of reconstruction of a breast on  
6 which a mastectomy has been performed and prostheses and physical complications of  
7 mastectomy such as lymphedemas, until the completion of the appropriate period of stay  
8 for such inpatient care as determined by the attending physician in consultation with the  
9 patient. Coverage shall be provided also for such number of follow-up visits as  
10 determined to be appropriate by the attending physician after consultation with the  
11 patient. Such follow-up visits shall be conducted by a physician, a physician's assistant,  
12 or a registered professional nurse with experience and training in postsurgical care. In  
13 consultation with the patient, such attending physician, physician's assistant, or registered  
14 professional nurse shall determine whether any follow-up visit or visits will be conducted  
15 at home or at the office.

16 (2) Coverages described in paragraph (1) of this subsection shall be subject to the  
17 schedule of benefits and limits of said policy.

18 (c) Beginning January 1, 2002, every insurer covered by this Code section shall provide  
19 notice to policyholders regarding the coverage required by this Code section. The notice  
20 shall be in writing and prominently positioned in any of the following literature:

- 21 (1) The next mailing to the policyholder;
- 22 (2) The yearly informational packets sent to the policyholder; or
- 23 (3) Other literature mailed before January 1, 2002.

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

## 29 SECTION 2.

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