

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Creem, Cynthia (SEN)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act providing breast cancer patient protection

PETITION OF:

NAME:

Creem, Cynthia (SEN)

DISTRICT/ADDRESS:

First Middlesex and Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00585 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT PROVIDING BREAST CANCER PATIENT PROTECTION

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 32A of the General Laws, as appearing in the 2004 Official Edition, is hereby
2 amended by inserting after section 17H the following section: -
3 Section 17I. The commission shall provide to any active or retired employee of the commonwealth who
4 is insured under the group insurance commission coverage, for a minimum of forty -eight hours of
5 inpatient care following a mastectomy and a minimum of twenty-four hours of inpatient care following a
6 lymph node dissection for the treatment of breast cancer. Any decision to shorten these minimum stays
7 shall be made by the attending physician in consultation with and upon agreement by the patient. If the
8 patient participates in an early discharge, defined as in-patient care following a mastectomy that is less
9 than forty-eight hours and inpatient care following a lymph node dissection for the treatment of breast
10 cancer that is less than twenty-four hours, coverage shall include a minimum of one home visit
11 conducted by a physician or registered nurse.

12 SECTION 2. Section 51 of chapter 111 of the General Laws, as appearing in the 2004 Official Edition, is
13 hereby amended by adding, at the end, the following: -

14 No hospital licensed pursuant to this section shall, for mastectomy and lymph node dissection patients,
15 permit early discharge, defined as inpatient care following a mastectomy that is less than forty-eight
16 hours and inpatient care following a lymph-node dissection for the treatment of breast cancer that is
17 less than twenty-four hours, unless the early discharge is recommended by the attending physician in
18 consultation with and upon agreement by the patient.

19 SECTION 3. Chapter 118E of the General Laws, as appearing in the 2004 Official Edition, is hereby
20 amended by inserting after section 10F the following section:-

21 Section 10G. The division shall provide coverage for a minimum of forty-eight hours of inpatient care
22 following a mastectomy and a minimum of twenty-four hours of inpatient care following a lymph node
23 dissection for the treatment of breast cancer. Any decision to shorten these minimum stays shall be
24 made by the attending physician in consultation with and upon agreement by the patient. If the patient
25 participates in an early discharge, defined as inpatient care following a mastectomy that is less than
26 forty-eight hours and inpatient care following a lymph node dissection for the treatment of breast
27 cancer that is less than twenty-four hours, coverage shall include a minimum of one home visit
28 conducted by a physician or registered nurse.

29 SECTION 4. Chapter 175 of the General Laws, as appearing in the 2004 Official Edition, is hereby
30 amended by inserting after section 47X the following section: -

31 Section 47Y. Any blanket or general policy of insurance, except a blanket or general policy of insurance
32 which provides supplemental coverage to medicare or other governmental programs, described in
33 subdivision (A), (C) or (D) of section one hundred and ten which provides hospital expense and surgical
34 expense insurance and which is issued or subsequently renewed by agreement between the insurer and
35 the policyholder, within or without the commonwealth, during the period this provision is effective, or

36 any policy of accident or sickness insurance as described in section one hundred and eight which
37 provides hospital expense and surgical expense insurance, except a policy which provides supplemental
38 coverage to medicare or other governmental programs, and which is delivered or issued for delivery or
39 subsequently renewed by agreement between the insurer and the policyholder in the commonwealth,
40 during the period that this provision is effective, or any employees' health and welfare fund which
41 provides hospital expense and surgical expense benefits and which is promulgated or renewed to any
42 person or group of persons in the commonwealth, while this provision is effective, shall provide benefits
43 for expense of residents of the commonwealth covered under any such policy or plan, for the expense
44 of a minimum of forty-eight hours of inpatient care following a mastectomy and a minimum of twenty-
45 four hours of inpatient care following a lymph node dissection for the treatment of breast cancer. Any
46 decision to shorten these minimum stays shall be made by the attending physician in consultation with
47 and upon agreement by the patient. If the patient participates in an early discharge, defined as inpatient
48 care following a mastectomy that is less than forty-eight hours and inpatient care following a lymph
49 node dissection for the treatment of breast cancer that is less than twenty-four hours, coverage shall
50 include a minimum of one home visit conducted by a physician or registered nurse.

51 SECTION 5. Chapter 176A of the General Laws, as appearing in the 2004 Official Edition, is hereby
52 amended by inserting after section 8Y the following section:-

53 Section 8Z. Any contract, except contracts providing supplemental coverage to medicare or other
54 governmental programs, between a subscriber and the corporation under an individual or group
55 hospital service plan which shall be delivered, issued or renewed in the commonwealth shall provide, as
56 a basic benefit to all individual subscribers and members within the commonwealth and to all group
57 members having a principal place of employment within the commonwealth, for expense for a minimum
58 of forty-eight hours of inpatient care following a mastectomy and a minimum of twenty-four hours of
59 inpatient care following a lymph node dissection for the treatment of breast cancer. Any decision to

60 shorten these minimum stays shall be made by the attending physician in consultation with and upon
61 agreement by the patient. If the patient participates in any early discharge, defined as in-patient care
62 following a lymph node dissection for the treatment of breast cancer that is less than twenty-four hours,
63 coverage shall include a minimum of one home visit conducted by a physician or registered nurse.

64 SECTION 6. Chapter 176B of the General Laws, as so appearing, is hereby amended by inserting after
65 section 4Y the following section:-

66 Section 4Z. Any subscription certificate under an individual or group medical service agreement, except
67 certificates which provide supplemental coverage to medicare or other governmental programs, which
68 shall be delivered, issued or renewed in the commonwealth shall provide, as a basic benefit to all
69 individual subscribers and members within the commonwealth and to all group members having a
70 principal place of employment within the commonwealth for expense for a minimum of forty-eight
71 hours of in-patient care following a mastectomy and a minimum of twenty-four hours of inpatient care
72 following a lymph node dissection for the treatment of breast cancer. Any decision to shorten these
73 minimum stays shall be made by the attending physician in consultation with and upon agreement by
74 the patient. If the patient participates in an early discharge, defined as inpatient care following a lymph
75 node dissection for the treatment of breast cancer that is less than twenty-four hours, coverage shall
76 include a minimum of one home visit conducted by a physician or registered nurse.

77 SECTION 7. Section 4 of chapter 176G of the General Laws, as so appearing, is hereby amended by
78 adding at the end of the first paragraph the following sentence:- Such health maintenance contract shall
79 also provide coverage for inpatient care following a mastectomy and inpatient care following a lymph
80 node dissection for the treatment of breast cancer as set forth in section forty-seven R of chapter one
81 hundred and seventy-five.

82 SECTION 8. Said chapter 176G of the General Laws, as appearing in the 2004 Official Edition, is hereby
83 amended by inserting after section 4Q of the following section:-

84 4R. Any health maintenance contract shall provide coverage for inpatient care following a mastectomy
85 and inpatient care following a lymph node dissection for the treatment of breast cancer in accordance
86 with section four. Such coverage shall include a minimum of forty-eight hours of inpatient care following
87 a mastectomy and a minimum of twenty-four hours of inpatient care following a lymph node dissection
88 for the treatment of breast cancer. Any decision to shorten these minimum stays shall be made by the
89 attending physician in consultation with and upon agreement by the patient. If the patient participates
90 in an early discharge, defined as inpatient care following a mastectomy that is less than forty-eight hours
91 and inpatient care following a lymph node dissection for the treatment of breast cancer that is less than
92 twenty-four hours, coverage shall include a minimum of one home visit conducted by a physician or
93 registered nurse.

94 SECTION 9. No policy or plan covered under this act shall terminate the services, deselect, reduce
95 capitation payment, or otherwise penalize an attending physician or other health care provider for
96 ordering care consistent with the provisions of this act. For the purposes of this section, the words
97 "health care provider" shall include the attending physician and hospital.