

Women's Health & Cancer Rights Act of 1998

Public Law 105-277

Bill Summary & Status

Title IX: Women's Health and Cancer Rights - Women's Health and Cancer Rights Act of 1998 - Amends the Employee Retirement Income Security Act of 1974 (ERISA) to require group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits with respect to a mastectomy to provide, in a case of a participant or beneficiary who is receiving benefits in connection with a mastectomy and who elects breast reconstruction in connection with such mastectomy, coverage for: (1) all stages of reconstruction of the breast on which the mastectomy has been performed; (2) surgery and reconstruction of the other breast to produce a symmetrical appearance; and (3) prostheses and physical complications of mastectomy, including lymphedemas. Requires annual written notice of the availability of such benefits.

Prohibits: (1) denying to a patient eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this section; and (2) penalizing or otherwise reducing or limiting the reimbursement of an attending provider, or providing incentives (monetary or otherwise) to an attending provider, to induce such provider to provide care to an individual participant or beneficiary in a manner inconsistent with this section.

(Sec. 903) Amends the Public Health Service Act (PHSA) to apply the same requirements, as under ERISA, to health insurance issuers in group and individual markets under PHSA.

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NEW JERSEY STATUTE

N.J.S.A.17B:27-46.1a

Reconstructive breast surgery; benefits

Every **group** health insurance policy providing hospital or medical expense benefits delivered, issued, executed or renewed in this State, or approved for issuance or renewal in this State by the Commissioner of Banking and Insurance on or after the effective date of this act, **shall** provide benefits, **following a mastectomy on one breast or both breasts, for reconstructive surgery, surgery to restore and achieve symmetry between the two breasts**, and the costs of prostheses and under any policy providing outpatient x-ray or radiation therapy, the costs of outpatient chemotherapy following surgical procedures in connection with the treatment of breast cancer shall be included as part of the outpatient x-ray or radiation therapy coverage. The provisions of this section shall apply to all policies in which the insurer has reserved the right to change the premium. **Such benefits shall be provided to the same extent as for any other sickness under the policy.**

Effective date of statute as amended: July 16, 1997

This statute should apply to most **group** health insurance policies in New Jersey.

The statute requires carriers to provide benefits for

- reconstructive surgery
- surgery to restore symmetry between the two breasts
- surgery to achieve symmetry between the two breasts

The **only** medical pre-requisite is that the insured had a mastectomy on one or more breasts.

The benefits provided must be to the same extent as for any other sickness under the policy.