

# SENATE BILL No. 298

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 27-8-25.

**Synopsis:** Post-mastectomy care. Requires an insurer that provides benefits relating to a mastectomy to provide for a minimum postsurgical inpatient stay at a licensed hospital for an individual following a mastectomy. Requires the individual's attending physician to determine the appropriate length of the inpatient stay based on the following: (1) Medical necessity. (2) Protocols and guidelines that are based on sound scientific evidence. (3) Evaluation of the individual and the coverage for and availability of a postdischarge physician office visit or in-home nurse visit to verify the individual's condition within 48 hours after discharge.

**Effective:** July 1, 1998.

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January 7, 1998, read first time and referred to Committee on Health and Environmental Affairs.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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## SENATE BILL No. 298

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A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 27-8-25 IS ADDED TO THE INDIANA CODE AS  
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 1998]:  
4 **Chapter 25. Minimum Mastectomy Benefits**  
5 **Sec. 1. This chapter applies to:**  
6 (1) every policy of accident and sickness insurance (as defined  
7 in IC 27-8-5-1), whether written on:  
8 (A) an individual basis;  
9 (B) a group basis;  
10 (C) a franchise basis; or  
11 (D) a blanket basis; and  
12 (2) every:  
13 (A) group contract (as defined in IC 27-13-1-16); or  
14 (B) individual contract (as defined in IC 27-13-1-21);  
15 through which a health maintenance organization furnishes  
16 health care services;  
17 that is issued, delivered, executed, or renewed in Indiana and that

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- 1 provides benefits related to a mastectomy.
- 2 **Sec. 2.** As used in this chapter, "benefits related to a  
3 mastectomy" refers to the provision of services related to a  
4 mastectomy before, during, and after the surgery, including  
5 physician, hospital, and laboratory services.
- 6 **Sec. 3.** Every policy or group contract that provides benefits  
7 related to a mastectomy must provide benefits to an individual that  
8 cover a minimum length of postsurgical stay at a hospital licensed  
9 under IC 16-21 for a length of time determined by the individual's  
10 attending physician to meet the following conditions:
- 11 (1) The length of stay is medically necessary.
- 12 (2) The attending physician's decision is made:
- 13 (A) in accordance with protocols and guidelines based on  
14 sound scientific evidence; and
- 15 (B) upon evaluation of:
- 16 (i) the individual; and
- 17 (ii) the coverage for and availability of a postdischarge  
18 physician office visit or in-home nurse visit to verify the  
19 individual's condition within the first forty-eight (48)  
20 hours after discharge.
- 21 **Sec. 4.** The in-home postsurgical care visit shall be conducted  
22 not later than forty-eight (48) hours following the discharge of the  
23 individual from a hospital. However, at the individual's discretion,  
24 the visit may occur at the facility of the provider.
- 25 **Sec. 5.** The issuer of the policy or group contract described in  
26 this chapter shall provide notice to each enrollee under the policy  
27 or group contract regarding the coverage provided under this  
28 chapter.
- 29 **SECTION 2.** [EFFECTIVE JULY 1, 1998] (a) **IC 27-8-25**, as  
30 added by this act, applies to policies issued, delivered, executed, or  
31 renewed after June 30, 1998.
- 32 (b) This SECTION expires July 1, 2000.

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