

HOUSE BILL No. 2049

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-10-8-7.5; IC 27-8-25.

Synopsis: Postlumpectomy care. Requires an insurer that provides benefits relating to a lumpectomy to provide for a minimum postsurgical inpatient stay at a licensed hospital for an individual following a lumpectomy. 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, 1999.

Friend

January 27, 1999, read first time and referred to Committee on Insurance, Corporations and Small Business.

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First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

HOUSE BILL No. 2049



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 5-10-8-7.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]: **Sec. 7.5. (a) This section applies to:**
4 (1) every policy of accident and sickness insurance (as defined
5 in IC 27-8-5-1), whether written on:
6 (A) an individual basis;
7 (B) a group basis;
8 (C) a franchise basis; or
9 (D) a blanket basis; and
10 (2) every:
11 (A) group contract (as defined in IC 27-13-1-16); or
12 (B) individual contract (as defined in IC 27-13-1-21);
13 through which a health maintenance organization furnishes
14 health care services;
15 that is issued, delivered, executed, or renewed in Indiana and that
16 provides benefits related to a lumpectomy.
17 (b) As used in this chapter, "benefits related to a lumpectomy"



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1 refers to the provision of services related to a lumpectomy before,
 2 during, and after the surgery, including physician, hospital, and
 3 laboratory services.

4 (c) Every policy or group contract that provides benefits related
 5 to a lumpectomy must provide benefits to an individual that cover
 6 a minimum length of postsurgical stay at a hospital licensed under
 7 IC 16-21 for a length of time that is medically necessary, as
 8 determined by the individual's attending physician:

9 (1) in accordance with protocols and guidelines based on
 10 sound scientific evidence; and

11 (2) upon the attending physician's evaluation of:

12 (A) the individual; and

13 (B) the coverage for and availability of a postdischarge
 14 physician office visit or an in-home nurse visit to verify the
 15 individual's condition within the first forty-eight (48) hours
 16 after discharge.

17 (d) The in-home postsurgical care visit shall be conducted not
 18 later than forty-eight (48) hours following the discharge of the
 19 individual from a hospital. However, at the individual's discretion,
 20 the visit may occur at the facility of the provider.

21 (e) The issuer of the policy or group contract described in this
 22 chapter shall provide notice to each enrollee under the policy or
 23 group contract regarding the coverage provided under this
 24 chapter.

25 SECTION 2. IC 27-8-25 IS ADDED TO THE INDIANA CODE AS
 26 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 27 1, 1999]:

28 **Chapter 25. Minimum Lumpectomy Benefits**

29 **Sec. 1. This chapter applies to:**

30 (1) every policy of accident and sickness insurance (as defined
 31 in IC 27-8-5-1), whether written on:

32 (A) an individual basis;

33 (B) a group basis;

34 (C) a franchise basis; or

35 (D) a blanket basis; and

36 (2) every:

37 (A) group contract (as defined in IC 27-13-1-16); or

38 (B) individual contract (as defined in IC 27-13-1-21);

39 through which a health maintenance organization furnishes
 40 health care services;

41 that is issued, delivered, executed, or renewed in Indiana and that
 42 provides benefits related to a lumpectomy.



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1 **Sec. 2.** As used in this chapter, "benefits related to a
2 lumpectomy" refers to the provision of services related to a
3 lumpectomy before, during, and after the surgery, including
4 physician, hospital, and laboratory services.

5 **Sec. 3.** Every policy or group contract that provides benefits
6 related to a lumpectomy must provide benefits to an individual that
7 cover a minimum length of postsurgical stay at a hospital licensed
8 under IC 16-21 for a length of time that is medically necessary, as
9 determined by the individual's attending physician:

10 (1) in accordance with protocols and guidelines based on
11 sound scientific evidence; and

12 (2) upon the attending physician's evaluation of:

13 (A) the individual; and

14 (B) the coverage for and availability of a postdischarge
15 physician office visit or an in-home nurse visit to verify the
16 individual's condition within the first forty-eight (48) hours
17 after discharge.

18 **Sec. 4.** The in-home postsurgical care visit shall be conducted
19 not later than forty-eight (48) hours following the discharge of the
20 individual from a hospital. However, at the individual's discretion,
21 the visit may occur at the facility of the provider.

22 **Sec. 5.** The issuer of the policy or group contract described in
23 this chapter shall provide notice to each enrollee under the policy
24 or group contract regarding the coverage provided under this
25 chapter.

26 SECTION 3. [EFFECTIVE JULY 1, 1999] (a) IC 5-10-8-7.5, as
27 added by this act, applies to policies issued, delivered, executed, or
28 renewed after June 30, 1999.

29 (b) This SECTION expires July 1, 2001.

30 SECTION 4. [EFFECTIVE JULY 1, 1999] (a) IC 27-8-25, as
31 added by this act, applies to policies issued, delivered, executed, or
32 renewed after June 30, 1999.

33 (b) This SECTION expires July 1, 2001.

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