

SENATE No. 465

The Commonwealth of Massachusetts

In the Year Two Thousand 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
2 Edition, is hereby amended by inserting after section 17H the following section: -

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

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

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

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

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

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

33 Section 47Y. Any blanket or general policy of insurance, except a blanket or general
34 policy of insurance which provides supplemental coverage to medicare or other governmental
35 programs, described in subdivision (A), (C) or (D) of section one hundred and ten which
36 provides hospital expense and surgical expense insurance and which is issued or subsequently

37 renewed by agreement between the insurer and the policyholder, within or without the
38 commonwealth, during the period this provision is effective, or any policy of accident or
39 sickness insurance as described in section one hundred and eight which provides hospital
40 expense and surgical expense insurance, except a policy which provides supplemental coverage
41 to medicare or other governmental programs, and which is delivered or issued for delivery or
42 subsequently renewed by agreement between the insurer and the policyholder in the
43 commonwealth, during the period that this provision is effective, or any employees' health and
44 welfare fund which provides hospital expense and surgical expense benefits and which is
45 promulgated or renewed to any person or group of persons in the commonwealth, while this
46 provision is effective, shall provide benefits for expense of residents of the commonwealth
47 covered under any such policy or plan, for the expense of a minimum of forty-eight hours of
48 inpatient care following a mastectomy and a minimum of twenty-four hours of inpatient care
49 following a lymph node dissection for the treatment of breast cancer. Any decision to shorten
50 these minimum stays shall be made by the attending physician in consultation with and upon
51 agreement by the patient. If the patient participates in an early discharge, defined as inpatient
52 care following a mastectomy that is less than forty-eight hours and inpatient care following a
53 lymph node dissection for the treatment of breast cancer that is less than twenty-four hours,
54 coverage shall include a minimum of one home visit conducted by a physician or registered
55 nurse.

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

58 Section 8Z. Any contract, except contracts providing supplemental coverage to medicare
59 or other governmental programs, between a subscriber and the corporation under an individual or

60 group hospital service plan which shall be delivered, issued or renewed in the commonwealth
61 shall provide, as a basic benefit to all individual subscribers and members within the
62 commonwealth and to all group members having a principal place of employment within the
63 commonwealth, for expense for a minimum of forty-eight hours of inpatient care following a
64 mastectomy and a minimum of twenty-four hours of inpatient care following a lymph node
65 dissection for the treatment of breast cancer. Any decision to shorten these minimum stays shall
66 be made by the attending physician in consultation with and upon agreement by the patient. If
67 the patient participates in any early discharge, defined as in-patient care following a lymph node
68 dissection for the treatment of breast cancer that is less than twenty-four hours, coverage shall
69 include a minimum of one home visit conducted by a physician or registered nurse.

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

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

82 the treatment of breast cancer that is less than twenty-four hours, coverage shall include a
83 minimum of one home visit conducted by a physician or registered nurse.

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

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

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

102 SECTION 9. No policy or plan covered under this act shall terminate the services,
103 deselect, reduce capitation payment, or otherwise penalize an attending physician or other health

104 care provider for ordering care consistent with the provisions of this act. For the purposes of this
105 section, the words "health care provider" shall include the attending physician and hospital.