



January 24, 2002

HOUSE BILL No. 1111

DIGEST OF HB 1111 (Updated January 22, 2002 1:47 PM - DI 97)

Citations Affected: IC 27-8; IC 27-13; noncode.

Synopsis: Coverage for post-mastectomy services. Adds requirements to a group accident and sickness insurance policy issued or delivered in another state if a certificate of coverage under the policy is issued to an Indiana resident. Specifies that an accident and sickness insurance policy or a health maintenance organization contract that covers a mastectomy must provide coverage for certain post-mastectomy services regardless of whether the individual was covered under the policy or contract at the time of the mastectomy.

Effective: July 1, 2002.

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January 8, 2002, read first time and referred to Committee on Insurance, Corporations and Small Business.
January 23, 2002, reported — Do Pass.

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HB 1111—LS 6639/DI 97+



January 24, 2002

Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

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HOUSE BILL No. 1111



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 27-8-5-16.5 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 16.5. (a) As used in this
- 3 section, "delivery state" means any state other than Indiana in which a
- 4 policy is delivered or issued for delivery.
- 5 (b) Except as provided in subsection (c) or (d), a certificate may not
- 6 be issued to a resident of Indiana pursuant to a group policy that is
- 7 delivered or issued for delivery in a state other than Indiana.
- 8 (c) A certificate may be issued to a resident of Indiana pursuant to
- 9 a group policy that is delivered or issued for delivery in a state other
- 10 than Indiana if:
- 11 (1) the delivery state has a law substantially similar to section 16
- 12 of this chapter;
- 13 (2) the delivery state has approved the group policy; and
- 14 (3) the policy or the certificate contains provisions that are:
- 15 (A) substantially similar to the provisions required by:
- 16 (i) section 19 of this chapter;
- 17 (ii) section 21 of this chapter; and

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- 1 (iii) IC 27-8-5.6; and
 2 (B) consistent with the requirements set forth in:
 3 (i) **section 15.6 of this chapter;**
 4 (ii) section 24 of this chapter;
 5 (iii) **section 26 of this chapter;**
 6 (iv) IC 27-8-6;
 7 ~~(iii)~~ (v) IC 27-8-14;
 8 (vi) **IC 27-8-14.1;**
 9 (vii) **IC 27-8-14.5;**
 10 (viii) **IC 27-8-14.7;**
 11 (ix) **IC 27-8-14.8;**
 12 (x) **IC 27-8-20;**
 13 ~~(iv)~~ (xi) IC 27-8-23;
 14 (xii) **IC 27-8-24.3;**
 15 (xiii) **IC 27-8-26;**
 16 (xiv) **IC 27-8-28;**
 17 (xv) **IC 27-8-29;**
 18 ~~(v)~~ (xvi) 760 IAC 1-38.1; and
 19 ~~(vi)~~ (xvii) 760 IAC 1-39.
- 20 (d) A certificate may be issued to a resident of Indiana pursuant to
 21 a group policy that is delivered or issued for delivery in a state other
 22 than Indiana if the commissioner determines that the policy pursuant
 23 to which the certificate is issued meets the requirements set forth in
 24 section 17(a) of this chapter.
- 25 (e) This section does not affect any other provision of Indiana law
 26 governing the terms or benefits of coverage provided to a resident of
 27 Indiana under any certificate or policy of insurance.
- 28 SECTION 2. IC 27-8-5-26 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 26. (a) This section
 30 applies to a policy of accident and sickness insurance issued after June
 31 30, 1997.
- 32 (b) This section applies to a mastectomy performed after June 30,
 33 1997. ~~that is covered by a policy of accident or sickness insurance~~
 34 ~~issued under this chapter.~~
- 35 (c) As used in this section, "mastectomy" means the removal of all
 36 or part of the breast for reasons that are determined by a licensed
 37 physician to be medically necessary.
- 38 (d) A policy of accident and sickness insurance that provides
 39 coverage for a mastectomy may not be issued, amended, delivered, or
 40 renewed in Indiana unless the policy provides coverage for:
 41 (1) prosthetic devices; and
 42 (2) reconstructive surgery incident to ~~the~~ a mastectomy including:

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- 1 (A) all stages of reconstruction of the breast on which the
 2 mastectomy has been performed; and
 3 (B) surgery and reconstruction of the other breast to produce
 4 symmetry;
 5 in the manner determined by the attending physician and the
 6 patient to be appropriate.
- 7 (e) Coverage for prosthetic devices or reconstructive surgery under
 8 this section is subject to:
- 9 (1) the deductible and coinsurance provisions applicable to ~~the a~~
 10 mastectomy; and
 11 (2) all other terms and conditions applicable to other benefits.
- 12 (f) Notwithstanding the provisions of this section, if a mastectomy
 13 ~~covered under this section~~ is performed and there is no evidence of
 14 malignancy, coverage **required under this section** may be limited to
 15 the provision of prosthetic devices and reconstructive surgery for two
 16 (2) years following the surgery.
- 17 **(g) The coverage required under this section applies to a policy**
 18 **of accident and sickness insurance that provides coverage for a**
 19 **mastectomy, regardless of whether an individual who:**
- 20 **(1) underwent a mastectomy; and**
 21 **(2) is covered under the policy;**
 22 **was covered under the policy at the time of the mastectomy.**
- 23 SECTION 3. IC 27-13-7-14 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. (a) This section
 25 applies to a contract with a health maintenance organization (as defined
 26 in IC 27-13-1-19) issued after June 30, 1997.
- 27 (b) This section applies to a mastectomy performed after June 30,
 28 1997. ~~that is covered by a contract with a health maintenance~~
 29 ~~organization under this chapter.~~
- 30 (c) As used in this section, "mastectomy" means the removal of all
 31 or part of the breast for reasons that are determined by a licensed
 32 physician to be medically necessary.
- 33 (d) A contract with a health maintenance organization ~~under this~~
 34 ~~chapter~~ that provides coverage for a mastectomy must provide
 35 coverage for:
- 36 (1) prosthetic devices; and
 37 (2) reconstructive surgery incident to ~~the a~~ mastectomy including:
 38 (A) all stages of reconstruction of the breast on which the
 39 mastectomy has been performed; and
 40 (B) surgery and reconstruction of the other breast to produce
 41 symmetry;
 42 in the manner determined by the attending physician and the

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1 patient to be appropriate.
 2 (e) Coverage for prosthetic devices and reconstructive surgery under
 3 this section is subject to:
 4 (1) the deductible and coinsurance provisions applicable to ~~the a~~
 5 mastectomy; and
 6 (2) all other terms and conditions applicable to other services
 7 under the contract.
 8 (f) Notwithstanding the provisions of this section, if a mastectomy
 9 ~~covered under this section~~ is performed and there is no evidence of
 10 malignancy, coverage **required under this section** may be limited to
 11 the provision of prosthetic devices and reconstructive surgery for two
 12 (2) years following the surgery.
 13 **(g) The coverage required under this section applies to a**
 14 **contract with a health maintenance organization that provides**
 15 **coverage for a mastectomy, regardless of whether an individual**
 16 **who:**
 17 **(1) underwent a mastectomy; and**
 18 **(2) is covered under the contract;**
 19 **was covered under the contract at the time of the mastectomy.**
 20 SECTION 4. [EFFECTIVE JULY 1, 2002] **(a) IC 27-8-5-26, as**
 21 **amended by this act, applies to a policy of accident and sickness**
 22 **insurance that is issued, delivered, amended, or renewed after June**
 23 **30, 2002.**
 24 **(b) IC 27-13-7-14, as amended by this act, applies to a contract**
 25 **with a health maintenance organization that is entered into,**
 26 **delivered, amended, or renewed after June 30, 2002.**
 27 **(c) This SECTION expires June 30, 2006.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1111, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

CROOKS, Chair

Committee Vote: yeas 10, nays 0.

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