

No. 2002-81

AN ACT

SB 1417

Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," further providing for mastectomy and breast cancer reconstruction.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 633(b) of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, added November 4, 1997 (P.L.492, No.51), is amended to read:

Section 633. Mastectomy and Breast Cancer Reconstruction.—* * *

(b) (1) Every health care policy which is delivered, issued for delivery, renewed, extended or modified in this Commonwealth by a health care insurer which provides coverage for the surgical procedure known as mastectomy shall also include coverage for:

(i) prosthetic devices;

(ii) *physical complications including lymphedemas; and*

(iii) *reconstructive surgery incident to any mastectomy[.] in a manner determined in consultation with the attending physician and the patient. Written notice of the availability of such coverage shall be delivered to the participant upon enrollment and annually thereafter.*

(2) Coverage for prosthetic devices and reconstructive surgery shall be subject to the deductible and coinsurance conditions applied to the mastectomy and all other terms and conditions applicable to other benefits.

(3) **[The coverage for prosthetic devices inserted during reconstructive surgery and reconstructive surgery pursuant to this section may be limited to such surgical procedures performed within six years of the date of the mastectomy.] *An insurer may not deny to a patient eligibility or continued eligibility to enroll or to renew coverage under the terms of the health insurance policy solely for the purpose of avoiding the requirements of this act.***

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Section 2. This act shall take effect immediately.

APPROVED—The 28th day of June, A.D. 2002.

MARK S. SCHWEIKER