

**§4237. Coverage for breast cancer treatment**

**1. Inpatient care.** All individual and group coverage subject to this chapter that provides coverage for medical and surgical benefits must ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time determined by the attending physician, after providing notice to the patient regarding the coverage required by this subsection and in consultation with the patient, to be medically appropriate following a mastectomy, a lumpectomy or a lymph node dissection for the treatment of breast cancer.

Nothing in this subsection may be construed to require the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is appropriate.

In implementing the requirements of this subsection, an individual or group coverage contract may not modify the terms and conditions of coverage based on the determination by any enrollee to request less than the minimum coverage required under this subsection.

All individual and group coverage subject to this subsection must provide written notice to each enrollee under the contract regarding the coverage required by this subsection. The notice must be prominently positioned in any literature or correspondence made available or distributed by the plan and must be transmitted in the next mailing made by the plan to the enrollee or as part of any yearly information packet sent to the enrollee, whichever is earlier. The notice must also be made available to any physician participating in the insurer's provider network.  
[PL 2015, c. 227, §4 (AMD); PL 2015, c. 227, §5 (AFF).]

**2. Reconstruction.** All individual and group coverage subject to this chapter that provides coverage for mastectomy surgery must provide coverage for reconstruction of the breast on which surgery has been performed and surgery and reconstruction of the other breast to produce a symmetrical appearance if the patient elects reconstruction and in the manner chosen by the patient and the physician.  
[PL 1997, c. 408, §7 (NEW); PL 1997, c. 408, §8 (AFF).]

**3. Application.** The requirements of this section apply to all individual and group policies, contracts and certificates executed, delivered, issued for delivery, continued or renewed in this State. For purposes of this section, all contracts are deemed to be renewed no later than the next yearly anniversary of the contract date.  
[PL 2003, c. 517, Pt. B, §24 (NEW).]

**SECTION HISTORY**

RR 1995, c. 1, §19 (COR). RR 1995, c. 1, §21 (COR). PL 1995, c. 295, §5 (NEW). PL 1995, c. 369, §4 (NEW). PL 1995, c. 418, §C4 (NEW). PL 1997, c. 408, §7 (RPR). PL 1997, c. 408, §8 (AFF). PL 2003, c. 517, §B24 (AMD). PL 2015, c. 227, §4 (AMD). PL 2015, c. 227, §5 (AFF).

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