

## **Insurance Coverage for Breast Reconstruction**

1998 Federal Breast Reconstruction Law

Signed into Law on October 21, 1998 - ASPS is working with federal regulators as they draft guidance on implementation of the new law.

SEC. 901. SHORT TITLE.

This title may be cited as the "Women's Health and Cancer Rights Act of 1998".

SEC. 902. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.-Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

SEC. 713. REQUIRED COVERAGE FOR RECONSTRUCTIVE SURGERY FOLLOWING MASTECTOMIES.

(a) IN GENERAL.-A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits with respect to a mastectomy shall provide, in a case of a participant or beneficiary who is receiving benefits in connection with a mastectomy and who elects breast reconstruction in connection with such mastectomy, coverage for-

**(1) reconstruction of the breast on which the mastectomy has been performed;**

**(2) surgery and reconstruction of the other breast to produce a symmetrical appearance;** and

(3) prostheses and physical complications all stages of mastectomy, including lymphedemas; in a manner determined in consultation with the attending physician and the patient. Such coverage may be subject to annual deductibles and coinsurance provisions as may be deemed appropriate and as are consistent with those established for other benefits under the plan or coverage. Written notice of the availability of such coverage shall be delivered to the participant upon enrollment and annually thereafter.

(b) NOTICE.-A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance 1078 with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted-

(1) in the next mailing made by the plan or issuer to the participant or beneficiary;

- (2) as part of any yearly informational packet sent to the participant or beneficiary; or
- (3) not later than January 1, 1999; whichever is earlier.