



H.R. 758 – Breast Cancer Patient Protection Act of 2007

FLOOR SITUATION

H.R. 758 is being considered on the floor under suspension of the rules and will require a two-thirds majority vote for passage. This legislation was introduced by Representative Rosa DeLauro (D-CT) on January 31, 2007. The Committee on Energy and Commerce ordered the bill to be reported, as amended, by voice vote on September 17, 2008.

H.R. 758 is expected to be considered on the floor of the House on September 23, 2008.

SUMMARY

H.R. 758 requires a group health plan or a health issuer offering group health insurance coverage that provides medical and surgical benefits to ensure that coverage and radiation therapy are provided for breast cancer treatment. Plans and issuers may not restrict benefits for any hospital length of stay of less than 48 hours in connection with a mastectomy or breast conserving surgery or 24 hours in connection with a lymph node dissection. In addition, they may not require that a provider obtain authorization from the plan or issuer for prescribing any such length of stay. This bill also applies the above requirements to health insurance issuers offering coverage in the individual market.

H.R. 758 requires plans and issuers to provide notice to each participant and beneficiary regarding the coverage required under this Act and ensure that full coverage is provided for secondary consultations by specialists in the appropriate medical fields to confirm or refute a diagnosis of cancer.

BACKGROUND

This bill is a response to certain HMOs' practice of encouraging the early discharge of patients recovering from mastectomy surgery. It is reported that oftentimes doctors are required to discharge patients within hours of surgery, which is known as "drive-thru mastectomy." This legislation, however, does not mandate a 48 hour hospital stay or limit a hospital recovery stay to 48 hours.

Breast cancer is the second most common type of cancer in the world. According to the World Health Organization, breast cancer caused over 500,000 deaths worldwide in 2005. Breast cancer occurs in both men and women, but is much more common in females. A woman's chance of developing breast cancer is approximately one in eight. Mastectomy surgery is used to treat high-risk breast cancer patients.

COST

The Congressional Budget Office (CBO) has not produced a cost estimate for H.R. 758 as of September 22, 2008.

STAFF CONTACT

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