

Women's Health and Cancer Rights Act

The Women's Health and Cancer Rights Act, signed into law on October 21, 1998, contains protections for breast cancer patients who elect breast reconstruction in connection with a mastectomy. In certain cases, plans offering coverage for a mastectomy must also cover reconstructive surgery in connection with a mastectomy. The Act applies to group health plans for plan years starting on October 21, 1998. It also applies to individual health insurance policies offered, sold, issued, renewed, in effect, or operated on the date of enactment.

The new law applies to group health plans, health insurance companies, or HMOs, if the plan or coverage provides medical and surgical benefits with respect to a mastectomy. It also requires coverage for reconstructive surgery in a manner determined in consultation with the attending physician and the patient. Under the Act, reconstructive benefits must include coverage for: (i) reconstruction of the breast on which the mastectomy has been performed; (ii) surgery and reconstruction of the other breast to produce a symmetrical appearance; and (iii) prostheses and physical complications at all stages of mastectomy, including lymphedemas. Benefits under the act may be subject to annual deductibles and coinsurance consistent with those established for other benefits under the plan or coverage.