

Bulletin 110

WOMEN'S HEALTH AND CANCER RIGHTS ACT

May 6, 2002

This Bulletin is directed to all insurance companies and health maintenance organizations that offer individual and group health insurance in Indiana. Pursuant to the federal Women's Health and Cancer Rights Act (WHCRA)¹, a health insurance issuer providing health insurance coverage in connection with a group health plan or in the individual market 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 the following in a manner determined in consultation with the attending physician and the patient:

- (1) All stages of reconstruction of the breast on which the mastectomy was performed;
- (2) Surgery and reconstruction of the other breast to produce a symmetrical appearance; and
- (3) Prostheses and physical complications of the mastectomy, including lymphedemas.

The 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 policy. In addition, written notice of the availability of this coverage shall be delivered to the participant upon enrollment and annually thereafter.

Group and individual health policies are required to be filed with and approved by the Department of Insurance before use in Indiana. These federal provisions preempt any conflicting provision in state law. Therefore, the Department is reviewing policies for compliance with the WHCRA. Any policy not in compliance with the WHCRA will not be approved for use in Indiana.

The WHCRA was effective for newly issued policies on October 21, 1998, and for existing policies on the first renewal date after October 21, 1998. The Department will adjudicate any inquiries or complaints in accordance with the provisions of the WHCRA.

INDIANA DEPARTMENT OF INSURANCE
Sally McCarty, Commissioner

¹ Pub. L. 105-277