

GENERAL ASSEMBLY OF NORTH CAROLINA  
1997 SESSION

S.L. 1997-440  
SENATE BILL 273

AN ACT PERTAINING TO THE COVERAGE OF POSTMASTECTOMY  
INPATIENT CARE UNDER HEALTH INSURANCE PLANS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 58 of the General Statutes is amended by adding the following new section to read:

**"§ 58-3-171.1. Coverage for postmastectomy inpatient care.**

(a) Every entity providing a health benefit plan that provides coverage for mastectomy, including coverage for postmastectomy inpatient care, shall ensure that the decision whether to discharge the patient following mastectomy is made by the attending physician in consultation with the patient, and shall further ensure that the length of postmastectomy hospital stay is based on the unique characteristics of each patient taking into consideration the health and medical history of the patient.

(b) As used in this section, 'health benefit plans' means accident and health insurance policies or certificates; nonprofit hospital or medical service corporation contracts; health, hospital, or medical service corporation plan contracts; health maintenance organization (HMO) subscriber contracts; and plans provided by a MEWA or plans provided by other benefit arrangements, to the extent permitted by ERISA.

(c) As used in this section, 'mastectomy' means the surgical removal of all or part of a breast as a result of breast cancer or breast disease."

Section 2. This act is effective when it becomes law and applies to health benefit plans issued, renewed, or amended on and after that date.

In the General Assembly read three times and ratified this the 19th day of August, 1997.

s/ Marc Basnight  
President Pro Tempore of the Senate

s/ Harold J. Brubaker  
Speaker of the House of Representatives

s/ James B. Hunt, Jr.  
Governor

Approved 10:22 a.m. this 28th day of August, 1997