

MONTANA STATE AUDITOR

MONICA J. LINDEEN
STATE AUDITOR



COMMISSIONER OF INSURANCE
COMMISSIONER OF SECURITIES

Advisory Memorandum

To: All Health Insurers Licensed in Montana

From: MONICA J. LINDEEN - Commissioner of Securities and Insurance,
Office of the Montana State Auditor [CSI]

Date: August 21, 2009



Required Benefit for Breast Reconstruction (House Bill No. 151)

In 2009, the legislature passed a bill [HB 151] that amends the existing statute requiring coverage for reconstructive breast surgery after mastectomy [§ 33-22-135, Montana Code Annotated (MCA)]. The purpose of the amendments was to bring Montana's breast reconstruction law in line with the minimum federal requirements.

The new language provides as follows:

- (1) Each group and individual disability policy, certificate of insurance, or membership contract that is delivered, issued for delivery, renewed, extended, or modified in this state must provide coverage for:
 - (a) all stages of reconstruction of the breast on which a mastectomy has been performed;
 - (b) surgery and reconstruction of the other breast to produce symmetrical appearance; and
 - (c) prostheses and physical complications of a mastectomy, including lymphedemas.
- (2) The treatment required under subsection (1) must be determined in consultation with the attending physician and the patient.

(3) The coverage required under this section may be subject to annual deductibles and coinsurance provisions consistent with those established for other benefits under an insurance policy, membership contract or a certificate of insurance.

The remainder of the statutory changes required by HB 151 can be found at:
<http://leg.mt.gov>

House Bill 151 was effective on July 1, 2009. If you have not already done so, please submit all changes to forms required by HB 151 immediately. The form language must follow the statutory wording exactly.

All policy, certificate and membership contract forms issued for delivery in Montana must be approved by the CSI before use. Forms must be filed at least 60 days before the date of intended use.

If you have questions about the content of this memorandum, please contact Christina L. Goe, Chief Legal Counsel at 406-444-2040 or at cgoe@mt.gov.

If you have questions about filing forms, please contact Rosann Grandy, Forms Bureau Chief at 406-444-2040 or at rgrandy@mt.gov.