

Fifty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1144

Introduced by

Industry, Business and Labor Committee

(At the request of the Insurance Commissioner)

1 A BILL for an Act to create and enact section 26.1-36-09.11 of the North Dakota Century Code,
2 relating to insurance coverage for breast reconstruction surgery; and to amend and reenact
3 subsection 5 of section 26.1-36.3-05 and subsection 5 of section 26.1-36.4-05 of the North
4 Dakota Century Code, relating to renewability of health insurance coverage.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** Section 26.1-36-09.11 of the North Dakota Century Code is created and
7 enacted as follows:

8 **26.1-36-09.11. Breast reconstruction surgery.** An insurance company, nonprofit
9 health service corporation, or health maintenance organization may not deliver, issue, execute,
10 or renew any health insurance policy, health service contract, or evidence of coverage unless
11 the policy, contract, or evidence of insurance provides the benefit provisions of the federal
12 Women's Health and Cancer Rights Act of 1998 [Pub. L. 105-277; 112 Stat. 2681-337; 42
13 U.S.C. 300gg-6]. This section does not apply to individually guaranteed renewable
14 supplemental, specified disease, long-term care, or other limited benefit policies.

15 **SECTION 2. AMENDMENT.** Subsection 5 of section 26.1-36.3-05 of the 1999
16 Supplement to the North Dakota Century Code is amended and reenacted as follows:

17 5. At the time of coverage renewal, a health insurance carrier may modify the health
18 insurance coverage for a product offered to a group health plan, if for coverage that
19 is available in such market other than only through one or more bona fide
20 associations, the modification is reasonable, consistent with state law and effective
21 on a uniform basis among group health plans with that product. If coverage is
22 modified, the carrier shall:

- 1 a. Provide advance notice of its decision under this subsection to the
2 commissioner at least three working days prior to mailing the notice to the
3 affected small employers and participants and beneficiaries.
4 b. Provide notice of the decision to modify health coverage to all affected small
5 employers, participants, and beneficiaries and the commissioner sixty days
6 prior to the modification of health coverage by the carrier.

7 **SECTION 3. AMENDMENT.** Subsection 5 of section 26.1-36.4-05 of the 1999
8 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 9 5. At the time of coverage renewal, an insurer may modify the health insurance
10 coverage for a product offered to a group or individual, if the modification is
11 reasonable, consistent with state law and effective on a uniform basis. If coverage
12 is modified, the carrier shall:
13 a. Provide advance notice of its decision under this subsection to the
14 commissioner at least three working days prior to mailing the notice to the
15 affected employers and participants and beneficiaries.
16 b. Provide notice of the decision to modify health coverage to all affected
17 employers, participants, and beneficiaries and the commissioner sixty days
18 prior to the modification of health coverage by the carrier.