

# Washington State Mandated Benefits Sunrise Reviews Statutory Review Criteria (RCW 48.47.030)

## Applicants

This Sunrise Review Application is submitted by:

*The Pink Lemonade Project.*

**Based on the availability of relevant information, the following criteria shall be used to assess the impact of proposed mandated benefits.**

### **1. The social impact.**

#### **(i) To what extent is the benefit generally utilized by a significant portion of the population?**

Women who have been diagnosed with one sided breast cancer may choose to have a double mastectomy (removing both breasts). The trend in the last 10 years has been increasing and now nearly 70% of women who have been diagnosed with breast cancer choose to have a double mastectomy.

#### **(ii) To what extent is the benefit already generally available?**

Women currently are going through the process of having double mastectomies, but more insurance companies are now restricting the treatment and forcing for a single mastectomy against the patient's and doctor's wishes.

#### **(iii) If the benefit is not generally available, to what extent has its unavailability resulted in persons not receiving needed services?**

Denial of a mastectomy and reconstruction is devastating to a woman who has been diagnosed with breast cancer. They are at a very vulnerable time in their life and such denial only adds to their fear of going through the process again in the future for the opposite breast. They also suffer from PTSD with each mammogram and are anxious until the result returns after each mammogram if the opposite breast is not removed. There are many emotional and psychological issues that are associated with a denial of removal of the opposite breast. These issues can have a negative impact on patient's well-being and can last a life time.

#### **(iv) If the benefit is not generally available, to what extent has its unavailability resulted in unreasonable financial hardship?**

The hardship of denying a mastectomy and reconstruction of the non-cancerous breast in breast cancer patient is more emotional and psychological. These women live in fear of the cancer returning and since they had cancer in one breast, the fear and anxiety is elevated if the opposite breast is still present. For some patients this is devastating and can have a negative impact on how they lead their life and interact with others including their own family. This also leads the poor contributions to society as they continue to suffer emotionally and have a hard time staying in the work force environment and keeping their employment.

**(v) What is the level of public demand for the benefit?**

Patients who have been diagnosed with breast cancer and choose to have a double mastectomy and possible reconstruction.

**(vi) What is the level of interest of collective bargaining agents in negotiating privately for inclusion of this benefit in group contracts?**

The Women's Health and Cancer Rights Act of 1998 (WHCRA) is a federal law that provides protections to patients who choose to have breast reconstruction in connection with a mastectomy.

Here are the benefits of this law as described by CMS:

If a patient chooses to have a mastectomy and they elect to have breast reconstruction, the coverage must be provided for:

- All stages of reconstruction of the breast on which the mastectomy has been performed;
- Surgery and reconstruction **of the other breast** to produce a symmetrical appearance; and
- Prosthesis and treatment of physical complications of all stages of the mastectomy, including lymphedema.

Even though the opposite breast for matching is part of this law, it doesn't include if the patient decides to have a double mastectomy. When discussion about cost is brought up, matching a natural breast to a reconstructed breast can add up the cost of surgeries and exceed what the original cost of a double mastectomy would have been. Then, when the additional screening and procedures are added, the cost can be even higher.

**(2) The financial impact.**

**(i) To what extent will the benefit increase or decrease the cost of treatment or service?**

The cost of removing the noncancerous breast in a breast cancer patient can initially increase however when diagnostic screening with mammogram and MRIs with biopsies are added, the downstream cost will be much higher. If matching surgeries are added, then the cost can even increase higher since these are separate surgeries. What cost can be put on the emotional toll that patient will suffer from for a lifetime if a surgery is performed without them being included in decision making process?

**(ii) To what extent will the coverage increase the appropriate use of the benefit?**

The coverage will protect women of our state to be able to make their informed decision based on information provided to them and their lifetime risk of developing another cancer. Women of our state deserve to have a choice and voice.

**(iii) To what extent will the benefit be a substitute for a more expensive benefit?**

The benefit of removing a noncancerous breast in a breast cancer patient that chooses to have it removed leads to the downstream cost saving of no additional needs of screening mammograms and MRIs. It also eliminates any additional surgeries that are performed to match the natural breast to a reconstructed breast. If a patient chooses not to have reconstruction then having one breast removed can lead to physical changes in the neck and back area that result in chronic pain due to the imbalance of the chest.

**(iv) To what extent will the benefit increase or decrease the administrative expenses of health carriers and the premium and administrative expenses of policyholders?**

We don't believe administrative expenses will be impacted since the surgery is being approved for removal of one breast and therefore the second breast can be automatically added. If anything, the cost of a denial can lead to additional appeals and reviews which will increase the cost of administrative expenses.

**(v) What will be the impact of this benefit on the total cost of health care services and on premiums for health coverage?**

Unsure on what this will do to premiums but for so many years this benefit has existed, and all this benefit will do give women confident that they can choose what the best long-term treatment modality is for their breast cancer.

**(vi) What will be the impact of this benefit on costs for state purchased health care?**

The impact on cost can increase initially but downstream cost will be lower given the additional procedures and screenings that will be performed if the opposite breast is not removed. This also includes additional surgeries to match the breast to the reconstructed side.

**(vii) What will be the impact of this benefit on affordability and access to coverage?**

There should not be any impact.

**(3) Evidence of health care service efficacy.**

**(i) If a mandatory benefit of a specific service is sought, to what extent has there been conducted professionally accepted controlled trials demonstrating the health consequences of that service compared to no service or an alternative service?**

Breast cancer patients benefit from knowing that they have a choice and a voice in making decisions; and 70% choose to have a double mastectomy. There is emotional and psychological benefits of patient choosing the right treatment for themselves. This is true with any disease process.

**(ii) If a mandated benefit of a category of health care provider is sought, to what extent has there been conducted professionally accepted controlled trials demonstrating the health consequences achieved by the mandated benefit of this category of health care provider?**

This will not mandate a health care provider to do something different that is not the standard of care.

**(iii) To what extent will the mandated benefit enhance the general health status of the state residents?**

The breast cancer patients of our state will have the added confidence that if they choose to have a double mastectomy, the insurers will not deny the procedures and take it through an appeal process. This will be a crucial addition to health benefits for women with a positive impact on their emotional and psychological state.

The department may supplement these criteria to reflect new relevant information or additional significant issues.