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## INSURANCE

### ***Insurance Generally: Requires Coverage for Colorectal Cancer Screening in Health Benefit Policies***

CODE SECTION:	O.C.G.A. § 33-24-56.3 (new)
BILL NUMBER:	HB 1100
ACT NUMBER:	908
GEORGIA LAWS:	2002 Ga. Laws 1089
SUMMARY:	The Act adds new Code section 33-24-56.3. The Act requires most health benefit insurance policies to provide coverage for colorectal cancer screening. The Act further provides definitions to specify the health benefit policies affected and to identify the guidelines for the types of treatment to be covered by those health benefit policies.
EFFECTIVE DATE:	July 1, 2002

#### *History*

In 2001, colon cancer claimed the lives of 1260 Georgians.<sup>1</sup> African-Americans are fourteen percent more likely than caucasians to be diagnosed with colon cancer and thirty-four percent more likely to die of the disease.<sup>2</sup> When colon cancer is diagnosed early, treatment is more successful with ninety percent of patients surviving five years or more.<sup>3</sup> However, once the disease advances and spreads to distant organs, a patient's chances of survival dramatically decrease to only eight percent.<sup>4</sup>

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1. Audio Recording of House Proceedings, Feb. 14, 2002 (remarks by Rep. Mickey Channell), at <http://www.ganet.org/services/leg/audio/2002archive.html> [hereinafter House Audio].

2. *Id.*

3. *Id.*; see also Susan Meyers, *Barnes Proposes Mandate to Cover Colon Cancer Tests*, ATLANTA J. CONST., Jan. 19, 2002 at F4 (quoting Georgia Governor Roy Barnes discussing the five-year survival rate of individuals with an early diagnosis).

4. House Audio, *supra* note 1.

Fewer than thirty percent of those individuals at risk of getting colon cancer have had tests to screen for colon cancer, compared with seventy-one percent of women over the age of forty who have had a mammogram to screen for breast cancer.<sup>5</sup> Studies have shown that for every dollar spent on the prevention of colon cancer, over four dollars can be saved on treatment expenses.<sup>6</sup>

Representative Mickey Channell of the 111th House District became interested in colon cancer-related issues following the death of a close friend.<sup>7</sup> His friend died from colon cancer at the age of fifty-four.<sup>8</sup> Representative Channell authored the bill and requested that Governor Barnes make it a part of his official administrative package of legislation to increase the media coverage of colon cancer.<sup>9</sup> He hoped to educate people about the need for colon cancer screening.<sup>10</sup> The American Cancer Society assisted with HB 1100.<sup>11</sup>

### *HB 1100*

House Representatives Charlie Smith, Jr., Henrietta Turnquest, Winfred Dukes, Mickey Channell, Larry Walker, and Nan Orrock of the 175th, 73rd, 161st, 111th, 141st, and 56th House Districts, respectively, sponsored HB 1100.<sup>12</sup> The bill was introduced on January 28, 2002, and the House of Representatives assigned the bill to the House Committee on Insurance.<sup>13</sup> The House Committee on Insurance favorably reported HB 1100, as substituted, on February 12, 2002.<sup>14</sup>

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5. *Id.* The screening techniques for colon cancer include a fecal test, a sigmoidoscopy that examines the lower portion of the colon, and a colonoscopy that examines the entire colon. See Susan Meyers, *Barnes Proposes Mandate to Cover Colon Cancer Tests*, ATLANTA J. CONST., Jan. 19, 2002 at F4.

6. House Audio, *supra* note 1.

7. *Id.*

8. *Id.*

9. Electronic Mail Interview with Rep. Mickey Channell, House District 111 (Apr. 3, 2002) [hereinafter Channell Interview].

10. Channell Interview, *supra* note 9.

11. *See id.*

12. *See* HB 1100, as introduced, 2002 Ga. Gen. Assem.

13. State of Georgia Final Composite Status Sheet, HB 1100, Apr. 12, 2002.

14. *See id.* Compare HB 1100, as introduced, 2002 Ga. Gen. Assem., with HB 1100 (HCS), 2002 Ga. Gen. Assem.

As introduced, HB 1100 would have required health benefit policies to cover colorectal cancer screening.<sup>15</sup> As introduced, HB 1100 would have defined a health benefit policy as any individual or group policy or plan, or any contract for health care services issued, delivered, issued for delivery, executed or renewed by an insurer in Georgia on or after July 1, 2002.<sup>16</sup> The House Committee on Insurance changed HB 1100 by excluding certain limited benefit insurance policies.<sup>17</sup> The policies excluded from the definition of a health benefit policy include accident-only policies, CHAMPUS supplements, dental policies, disability income policies, fixed indemnity policies, long-term care policies, medicare supplement policies, vision policies, and those policies written for a period of no more than six months.<sup>18</sup> The House adopted the committee substitute and passed the bill on February 14, 2002.<sup>19</sup>

Upon introduction, the Senate assigned HB 1100 to the Senate Insurance and Labor Committee.<sup>20</sup> The Senate Insurance and Labor Committee favorably reported HB 1100, as substituted, on February 25, 2002.<sup>21</sup> The Senate Insurance and Labor Committee changed HB 1100 by narrowing the definition of a health benefit policy.<sup>22</sup> The Senate Insurance and Labor Committee added specified disease policies as another type of policy excluded from the definition of a health benefit policy under HB 1100.<sup>23</sup> The Senate adopted and passed HB 1100, as substituted by the Senate Insurance and Labor Committee, on March 7, 2002.<sup>24</sup> The House agreed to the Senate version of HB 1100 and passed HB 1100 without additional changes

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15. See HB 1100, as introduced, 2001 Ga. Gen. Assem.

16. *Id.*

17. Compare HB 1100, as introduced, 2002 Ga. Gen. Assem., with HB 1100 (HCS), 2002 Ga. Gen. Assem.

18. HB 1100 (HCS), 2002 Ga. Gen. Assem.

19. Georgia House of Representatives Voting Record, HB 1100 (Feb. 14, 2002). The House vote count was 167 yeas and 4 nays, with 4 representatives not voting and 3 representatives excused. *Id.*

20. See State of Georgia Final Composite Status Sheet, HB 1100, Apr. 12, 2002.

21. *Id.* Compare HB 1100 (HCS), 2002 Ga. Gen. Assem., with HB 1100 (SCS), 2002 Ga. Gen. Assem.

22. See HB 1100 (SCS), 2002 Ga. Gen. Assem.

23. *Id.*

24. See Ga. Sen. Voting Record, HB 1100 (Mar. 7, 2002). The bill passed the Senate with a vote count of 47 yeas and only 1 nay. *Id.* Five senators did not vote and three were excused. *Id.*

on March 18, 2002.<sup>25</sup> Governor Roy Barnes signed HB 1100 into law on May 15, 2002.

### *The Act*

The Act amends Chapter 24 of Title 33 by adding a new Code section, 33-24-56.3, to subsection 56.<sup>26</sup> The Act defines terms such as “health benefit policy” and “insurer” as used in the Act.<sup>27</sup> The Act specifically provides for colorectal cancer screening, examinations, and laboratory tests in accordance with the most recently published recommendations and guidelines established by the American Cancer Society, in consultation with the American Colleges of Radiation and Gastroenterology.<sup>28</sup> The Act does not change the deductibles or coinsurance already established within a given health benefit policy.<sup>29</sup>

### *Opposition to HB 1100*

Legislators in the General Assembly who opposed HB 1100 argued that small businesses often cannot afford the increased price for health insurance that results from state insurance mandates.<sup>30</sup> Senator Mitch Seabaugh of 28th District introduced a floor amendment.<sup>31</sup> It would have provided small businesses with a choice about what coverage they would provide their employees.<sup>32</sup> The amendment was introduced to control costs associated with state

25. See State of Georgia Final Composite Status Sheet, HB 1100, Apr. 12, 2002. See also Georgia House Voting Record, HB 1100 (Mar. 18, 2002). The bill passed the House with a vote count of 154 yeas, 2 nays. See *id.* Twenty-one representatives did not vote and three were excused. See *id.*

26. O.C.G.A. § 33-24-56.3 (Supp. 2002).

27. O.C.G.A. § 33-24-56.3 (a)(1), (2).

28. O.C.G.A. § 33-24-56.3 (b).

29. O.C.G.A. § 33-24-56.3 (c).

30. See Audio Recording of Senate Proceedings, Mar. 7, 2002 (remarks by Sen. Mitch Seabaugh), at <http://www.ganet.org/services/leg/audio/2002archive.html> [hereinafter Senate Audio, Mar. 7] (discussing a floor amendment that would have allowed insurance companies to set up a cafeteria-type plan for small businesses free of state mandates). See also Susan Meyers, *Mandated Health Care Coverage: Employers Being Hurt by Edicts, Critics Say*, ATLANTA J. CONST., Apr. 7, 2002, at F1.

31. See Senate Audio, Mar. 7, *supra* note 30 (remarks by Sen. Mitch Seabaugh).

32. See *id.*

insurance mandates.<sup>33</sup> Ultimately, following discussion on the Senate floor, Senator Seabaugh withdrew the amendment.<sup>34</sup>

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33. *See id.*

34. *See Senate Audio, Mar. 7, supra note 30.*