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## Women's Health and Cancer Rights Act

The WHCRA requires most group insurance plans that cover mastectomies to also cover breast reconstruction for women with breast cancer.

*Disclaimer: The American Cancer Society does not offer legal advice. This information is intended to provide general background in this area of the law.*

- [What is the Women's Health and Cancer Rights Act \(WHCRA\)?](#)
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### What is the Women's Health and Cancer Rights Act (WHCRA)?

The Women's Health and Cancer Rights Act (WHCRA) helps protect many women with breast cancer who choose to have their breasts rebuilt (reconstructed) after a mastectomy. Mastectomy is surgery to remove all or part of the breast. This federal law requires most group insurance plans that cover mastectomies to also cover breast reconstruction. It was signed into law on October 21, 1998. The United States Departments of Labor and Health and Human Services oversee this law.

The WHCRA applies to:

- Group health plans for plan years starting on or after October 1, 1998
- Group health plans, health insurance companies, and HMOs, as long as the plan covers medical and surgical costs for mastectomy

There are additional protections under the Affordable Care Act (ACA). For plan years (a plan year can be any 12-month period that the insurer chooses) beginning on or after January 1, 2014, a group health plan generally cannot limit or deny benefits relating to a pre-existing condition.



apply to those health plans purchased by an employer from a commercial insurance company. If an employer is **self-insured**, state laws do not apply but federal laws do.

A self-insured (or **self-funded**) plan is one in which the employer, rather than a commercial insurance company, pays for the insured person's health expenses. Some

**If I have a mastectomy and breast reconstruction, am I also entitled to the state and WHCRA required minimum hospital stay?**

It depends. If you have coverage through your employer and your employer is insured, you would be entitled to the minimum hospital stay required by the state law. If you have



Along with the American Cancer Society, other sources of information and support include:

**Cancer Legal Resource Center (CLRC)** Toll-free number: 1-866-843-2572 (1-866-THE-CLRC) (leave a number for a call back) Website: <https://thedrlc.org><sup>4</sup> (choose "Cancer" to get to the CLRC page)<sup>5</sup>

- Offers information on disabilities and your legal rights with a special focus on cancer

**Healthcare.gov** Website: [www.healthcare.gov](http://www.healthcare.gov)<sup>6</sup>

- Has the most up-to-date information on health insurance and the new health care law

**National Association of Insurance Commissioners (NAIC)** Telephone: 1-866-470-6242 (1-866-470-NAIC) Website: [www.naic.org](http://www.naic.org)<sup>7</sup> Website for state insurance department information: [www.naic.org/state\\_web\\_map.htm](http://www.naic.org/state_web_map.htm)<sup>8</sup>

- To contact your state insurance commission, which regulates insurance in your state

**US Department of Health and Human Services Center for Medicare & Medicaid Services** Toll-free number: 1-877-267-2323 Website: [www.cms.gov](http://www.cms.gov)<sup>9,10</sup>

- Information on what's covered by Medicare and Medicaid

**US Department of Labor, Employee Benefits Security Administration** Toll-free number: 1-866-444-3272 (1-866-444-EBSA) Website: [www.dol.gov/ebsa](http://www.dol.gov/ebsa)<sup>11</sup>

- Has information on employee benefits and health insurance requirements

*\*Inclusion on this list does not imply endorsement by the American Cancer Society.*

## References

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