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DEPARTMENT OF HEALTH  
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**Testimony COMMENTING on H.B. 663, H.D. 1  
RELATING TO BREAST CANCER SCREENING**

REPRESENTATIVE MARK M. NAKASHIMA, CHAIR  
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Hearing Date: February 15, 2023

Room Number: Conference Room 329  
& Videoconference

1 **Fiscal Implications:** The Department of Health (DOH) defers to the Department of Commerce  
2 and Consumer Protection and the Office of the State Auditor, on the social and fiscal assessment  
3 pursuant to [§23.51, Hawaii Revised Statutes](#) (HRS), for amending the mandated coverage in  
4 [§432:1-605 Mammogram screening, HRS](#).

5 **Department Testimony:** The DOH offers comments on House Bill 663, House Draft 1 (H.B. 663,  
6 H.D. 1) that increases the categories of women required to be covered for mammogram  
7 screenings; requires the existing health insurance mandate for coverage of low-dose  
8 mammography to include digital mammography and breast tomosynthesis; and requires health  
9 care providers to be reimbursed at rates accurately reflecting the resource costs specific to each  
10 service, including any increased resource costs. The policy recommendations in H.B. 663,  
11 H.D. 1 do not align with the [U.S. Preventive Services Task Force \(USPSTF\)](#) published in  
12 January 2016 that guides screening policies and practices for the DOH Hawaii Breast and  
13 Cervical Cancer Control Program (HBCCCP). The USPSTF reviews the balance of harm to  
14 benefit and does not recommend breast cancer screening before age 50 except for women in their  
15 40s with parent, sibling, or child with breast cancer and concludes evidence is currently  
16 insufficient to recommend digital breast tomosynthesis as the primary method for breast cancer  
17 screening. The DOH HBCCCP federal reimbursement for contractors serving uninsured and  
18 underinsured women are based on the USPSTF guidelines.

1           According to 2020 data from the Hawaii Behavioral Risk Factor Surveillance System,  
2 83.7% of women aged 50 to 74 had a mammogram within the past two years. Screening is  
3 effective in identifying breast cancer early when it is often highly treatable. Increasing cancer  
4 screening rates and ensuring access to breast cancer screening for residents of Hawaii is a  
5 priority for both Centers for Disease Control and Prevention funded programs, the HBCCCP and  
6 Hawaii Comprehensive Cancer Control Program in the DOH.

7           Thank you for the opportunity to testify.

8   **Offered Amendments:** None



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I  
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**Testimony of the Department of Commerce and Consumer Affairs**

**Before the  
House Committee on Consumer Protection and Commerce  
Wednesday, February 15, 2023  
2:00 p.m.**

**State Capitol, Conference Room 329 and via Videoconference**

**On the following measure:  
H.B. 663, H.D. 1, RELATING TO BREAST CANCER SCREENING**

Chair Nakashima and Members of the Committee:

My name is Gordon Ito, and I am the Insurance Commissioner for the Department of Commerce and Consumer Affairs' (Department) Insurance Division. The Department offers comments on this bill.

The purpose of this bill is to increase the categories of women required to be covered for mammogram screenings, require the existing health insurance mandate for coverage of low-dose mammography to include digital mammography and breast tomosynthesis, and define "digital breast tomosynthesis."

We note that it is unclear whether the amendments in sections 2 and 3 of this bill, which require health plans to provide benefits for additional breast cancer screening services, would be construed as "in addition to the essential health benefits" within the meaning of 45 Code of Federal Regulations (CFR) § 155.170(a), or subject to defrayment provisions under 45 CFR § 155.170(b) which apply to benefits "in addition to the essential health benefits."

We note that H.D. 1 of this bill essentially replaces the current parameters of the mammography benefit mandate for health plans with American College of Radiology guidelines which may circumvent medical necessity determinations under 432E-1.4. Moreover, It is unclear how these amendments should be interpreted if the specific guidelines in H.D. 1 deviate from American College of Radiology guidelines in the future. For example, the amendments at page 5, lines 15-18 would amend HRS § 431:10A-116 to read “In accordance with American College of Radiology guidelines, for women at an average risk of breast cancer forty years of age and older, an annual screening mammogram[.]” In the case of a future conflict between American College of Radiology guidelines and the “forty years of age” standard, there may be a statutory interpretation issue.

Finally, use of the term “should” at page 5, line 10 is vague and will lead to statutory interpretation issues.

For the Committee’s information, Hawaii Revised Statutes section 23-51 provides, in part, that “[b]efore any legislative measure that mandates health insurance coverage for specific health services, specific diseases, or certain providers of health care services as part of individual or group health insurance policies, [*sic*] can be considered, there shall be concurrent resolutions passed requesting the auditor to prepare and submit to the legislature a report[.]”

Additionally, the phrase “deemed medically necessary by an applicable American College of Radiology guideline[.]” on page 6, lines 10 to 12, may lead to confusion as “medical necessity” is already defined in Hawaii Revised Statutes section 432E-1.4.

Thank you for the opportunity to testify on this bill.



## Hawaii Medical Association

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### COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Mark M. Nakashima, Chair

Rep. Jackson D. Sayama, Vice Chair

Date: February 15, 2023

From: Hawaii Medical Association

Beth England MD, Co-Chair, HMA Public Policy Committee

Re: HB 663 Relating to the Breast Cancer Screening

Position: Support

This measure will mandate expansion of coverage for mammogram screenings, necessitate coverage of low-dose mammography to include digital mammography and breast tomosynthesis, and require health care providers to be reimbursed at rates accurately reflecting the resource costs specific to each service.

This measure addresses an important healthcare disparity that exists for Asian and Native Hawaiian women in our state. The UH Cancer Center reports that breast cancer is the most common cancer among Hawaii's women, comprising 34% of cases, followed most closely by cancers of the lung & bronchus (10%). Hawaii has a greater incidence of breast cancer compared to the national average. The incidence among Japanese and Native Hawaiian women living in Hawaii is higher still, with Native Hawaiian women suffering higher mortality rates.

HMA recommends consideration and review of the Hawaii State Auditor's report on the social and financial impacts of a state mandate for early breast cancer screening. Timely breast cancer screening will continue to play a pivotal role in reducing breast cancer mortality. Addressing gaps in the coverage of this screening will mark substantial progress towards this end.

HMA strongly supports this measure for mammography screening benefits that are evidence-based, sustainable, and cost-effective for our culturally and ethnically diverse patient ohana. Thank you for allowing the Hawaii Medical Association to testify in support of this measure.

(continued)

#### 2023 Hawaii Medical Association Officers

Angela M. Pratt, MD, President • Elizabeth Ann Ignacio, MD, President Elect • Michael Champion, MD, Immediate Past President  
Nadine Tenn-Salle, MD, Treasurer • Thomas Kosasa, MD, Secretary • Marc Alexander, Executive Director

#### 2023 Hawaii Medical Association Public Policy Coordination Team

Elizabeth Ann Ignacio, MD, Chair • Beth England, MD, Co-Chair  
Linda Rosehill, JD, Government Relations • Marc Alexander, Executive Director

## References and Quick Links:

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Sherman R. Mammogram guidelines can put women of color at risk. Washington Post. December 8, 2020. <https://www.thelily.com/mammogram-guidelines-can-put-women-of-color-at-risk-these-womenthank-god-they-advocated-for-themselves/>

Monticciolo DL, Newell MS, Hendrick RE, Helvie MA, Moy L, Monsees B, et al. Breast Cancer Screening in Women at Higher-Than-Average Risk: Recommendations From the ACR. J Am Coll Radiol. 2018;15(3):408-414.

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Linda Rosehill, JD, Government Relations • Marc Alexander, Executive Director

**HB-663-HD-1**

Submitted on: 2/14/2023 1:59:12 PM

Testimony for CPC on 2/15/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Martha Wiedman, M.D.	Hawaii Radiological Society	Support	Remotely Via Zoom

Comments:

I am a diagnostic radiologist and a member of Hawaii Radiological Society, with over 30 years experience in breast cancer screening and diagnosis. Hawaii has a large population of Native Hawaiian and other Pacific Islanders who have a higher than average risk, with earlier incidence and morbidity highest compared to any other racial or ethnic group. This bill supports insurance coverage for breast cancer screening for women who have a higher than average risk of breast cancer, age 30 and over, including Native Hawaiian and Pacific Islanders. The original bill included language regarding a baseline mammogram starting at age 35. The amended bill requests removal of this language. Instead, the bill now provides for risk assessment, including breast MRI and breast US, which is already covered by insurance. The resulting audit shows that there is no additional expense created. I ask that you support removal of this clause, which will significantly decrease the estimated cost of this legislation in the Insurance Commissioner's Audit

Please support this bill.

Sincerely,

Martha Wiedman, M.D.



February 15, 2023

The Honorable Mark Nakashima, Chair  
The Honorable Jackson Sayama, Vice Chair  
House Committee on Consumer Protection and Commerce

**Re: HB 663 – Relating to breast cancer screening**

Dear Chair Nakashima, Vice Chair Sayama, and Members of the Committee:

Hawaii Medical Service Association (HMSA) appreciates the opportunity to provide comments on HB663, which increases the categories of women required to be covered for mammogram screenings, requires the existing health insurance mandate for coverage of low-dose mammography to include digital mammography and digital breast tomosynthesis.

HMSA supports the intent of this measure and encourages ready access to necessary breast cancer screening. While we appreciate the amendments made, HMSA already currently covers screening mammography that is aligned with current state and national guidelines and feels that mandates are not necessary to ensure that this continues.

Thank you for the opportunity to provide comments on HB 663.

Sincerely,

Jennifer A. Diesman  
Senior Vice President  
Government Policy and Advocacy





February 13, 2023

Representative Nakashima, Chair  
House Committee on Consumer Protection & Commerce

**Re: H.B. 663, H.D. 1 Relating to Breast Cancer Screening**

**Hearing: Wednesday, February 15, 2023, 2:00 PM, Room 329 & Via  
Videoconference**

Dear Chair Nakashima and Members of the Committee on Consumer Protection & Commerce:

Hawaii Women Lawyers is a lawyer's trade organization that aims to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

Hawaii Women Lawyers submits testimony in **strong support of H.B. 663, H.D. 1**, which amends Hawaii Revised Statutes Chapters 431 and 432 to increase the categories of women required to be covered for mammogram screenings, require the existing health insurance mandate for coverage of low-dose mammography to include digital mammography and digital breast tomosynthesis, and include a definition for "digital breast tomosynthesis".

Hawaii Women Lawyers has historically supported expanding access and care relating to breast cancer, as it is a health condition that overwhelmingly affects women and can have a devastating impact on their lives.<sup>1</sup> Even the possibility of a positive diagnosis can lead to increased stress and overall poorer health.

Mammograms are very successful tools in finding breast cancer at an early stage, which is when treatment is most likely to be successful. The American Cancer Society has determined that a mammogram can often find breast changes that could be cancerous years before physical symptoms develop.<sup>2</sup> H.B. 663, H.D. 1 brings Hawai'i's statutes in line

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<sup>1</sup> According to the Centers for Disease Control and Prevention, "Breast cancer is most often found in women, but men can get breast cancer too. About 1 out of every 100 breast cancers diagnosed in the United States is found in a man." Available at <https://www.cdc.gov/cancer/breast/men/index.html>, last revised September 26, 2022.

<sup>2</sup> American Cancer Society Recommendations for the Early Detection of Breast Cancer; available at <https://www.cancer.org/cancer/breast-cancer/screening-tests-and-early-detection/american-cancer-society-recommendations-for-the-early-detection-of-breast-cancer.html>, last revised on January 14, 2022.

with the most current recommendations and guidelines issued by the American College of Radiology for mammograms, thereby allowing more women in Hawai'i to benefit from broader access to basic and critical care. Moreover, H.B. 663, H.D. 1 ensures that our laws are consistent with current medical procedures and best healthcare practices.

Hawaii Women Lawyers strongly believes that H.B. 663, H.D. 1 will have a positive effect on the health and wellbeing of women in our State.

For the foregoing reasons, HWL strongly supports H.B. 663, H.D. 1 and respectfully requests that the Committee pass this measure.

Thank you for the opportunity to testify in strong support of this measure.

**HB-663-HD-1**

Submitted on: 2/14/2023 3:00:30 PM

Testimony for CPC on 2/15/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Scott Grosskreutz, M.D.	Hawaii Radiological Society	Support	Remotely Via Zoom

Comments:

Dear Committee members,

Testifier Position

Support

Testify

Written Testimony Only

Breast cancer screening saves many lives. As a member of the American College of Radiology Government Relations Committee of the Breast Commission, I ask that you please pass HB663, which would maximize the number of lives saved from breast cancer screening. Hawaii is a unique state with a large population of Asian women, who have been shown to have an earlier age of breast cancer onset and statistically denser breast tissue on mammograms.

By performing breast cancer risk assessment for women in Hawai'i, high risk women can be identified and national practice guidelines can be used to tailor screening recommendations with additional MRI and/or ultrasound as clinically indicated.

This is particularly important for Native Hawaiian women who tend to have higher grade breast cancers with a worse prognosis and who more often live in communities with poor access to healthcare.

By breast cancer risk assessment, we can identify those

women who would benefit from early screening for breast cancer before age 40. We therefore respectfully ask that you remove the language regarding a baseline mammogram for average risk women at age 35.

Please support this bill. In my 40 years of experience of providing breast screening and diagnostic services, this will save many lives in Hawai'i.

Why Start at 40?

- One in six breast cancers occurs in women in their 40s.
- Mammography has helped reduce breast cancer mortality in the U.S. by nearly 40% since 1990.
- One study shows mammography screening cuts the risk of dying from breast cancer nearly in half.
- Three out of four women diagnosed with breast cancer have no family history of the disease and are not considered high risk.

Please note that the auditor's report stated that all coverage recommended in this bill are covered by current U.S. practice standards. The baseline mammography for average risk women has been deleted, so the additional costs in the auditor's report do not apply.

Scott Grosskreutz, M.D., FACR Founder Hawaii Breast Society and contributing author for the Practice Standards for the Early Detection of Breast Cancer

**HB-663-HD-1**

Submitted on: 2/13/2023 5:57:02 PM

Testimony for CPC on 2/15/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lynn Murakami Akatsuka	Individual	Support	Written Testimony Only

Comments:

I strongly support the passage of HB 663, HD 1 this session. It increases the categories of women to be covered for mammogram screenings and mandates the inclusion of digital mammography and digital breast tomosynthesis. This will enable early screening and detection for individuals in high risk, family history with breast cancer, and all socio-economic levels to access this screening without worries about how they will afford it.

Please pass HB 633, HD 1 this session.

**HB-663-HD-1**

Submitted on: 2/14/2023 7:41:34 AM

Testimony for CPC on 2/15/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In support of HD1. Thank you.