
A BILL FOR AN ACT

RELATING TO INSURANCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that three-dimensional
2 mammography, also known as breast tomosynthesis, has been shown
3 to improve the results of mammography when compared to the more
4 common two-dimensional digital mammography. These technologies
5 have been shown to be more effective for patients with dense
6 breast tissue and for patients that are at a higher risk of
7 breast cancer. Because it improves breast cancer detection, a
8 growing number of states have included coverage for breast
9 tomosynthesis within their existing insurance mandates for
10 mammography.

11 The purpose of this Act is to improve breast cancer
12 detection rates in the State by clarifying that the existing
13 health insurance mandate for coverage of low-dose mammography
14 includes coverage for digital mammography and breast
15 tomosynthesis.

16 SECTION 2. Section 431:10A-116, Hawaii Revised Statutes,
17 is amended to read as follows:



1 **"§431:10A-116 Coverage for specific services.** Every
2 person insured under a policy of accident and health or sickness
3 insurance delivered or issued for delivery in this State shall
4 be entitled to the reimbursements and coverages specified below:

5 (1) Notwithstanding any provision to the contrary,
6 whenever a policy, contract, plan, or agreement
7 provides for reimbursement for any visual or
8 optometric service, which is within the lawful scope
9 of practice of a duly licensed optometrist, the person
10 entitled to benefits or the person performing the
11 services shall be entitled to reimbursement whether
12 the service is performed by a licensed physician or by
13 a licensed optometrist. Visual or optometric services
14 shall include eye or visual examination, or both, or a
15 correction of any visual or muscular anomaly, and the
16 supplying of ophthalmic materials, lenses, contact
17 lenses, spectacles, eyeglasses, and appurtenances
18 thereto;

19 (2) Notwithstanding any provision to the contrary, for all
20 policies, contracts, plans, or agreements issued on or
21 after May 30, 1974, whenever provision is made for



1 reimbursement or indemnity for any service related to
2 surgical or emergency procedures, which is within the
3 lawful scope of practice of any practitioner licensed
4 to practice medicine in this State, reimbursement or
5 indemnification under the policy, contract, plan, or
6 agreement shall not be denied when the services are
7 performed by a dentist acting within the lawful scope
8 of the dentist's license;

9 (3) Notwithstanding any provision to the contrary,
10 whenever the policy provides reimbursement or payment
11 for any service, which is within the lawful scope of
12 practice of a psychologist licensed in this State, the
13 person entitled to benefits or performing the service
14 shall be entitled to reimbursement or payment, whether
15 the service is performed by a licensed physician or
16 licensed psychologist;

17 (4) Notwithstanding any provision to the contrary, each
18 policy, contract, plan, or agreement issued on or
19 after February 1, 1991, except for policies that only
20 provide coverage for specified diseases or other
21 limited benefit coverage, but including policies



1 issued by companies subject to chapter 431, article
2 10A, part II and chapter 432, article 1 shall provide
3 coverage for screening by low-dose mammography for
4 occult breast cancer as follows:

5 (A) For women forty years of age and older, an annual
6 mammogram; and

7 (B) For a woman of any age with a history of breast
8 cancer or whose mother or sister has had a
9 history of breast cancer, a mammogram upon the
10 recommendation of the woman's physician.

11 The services provided in this paragraph are
12 subject to any coinsurance provisions that may be in
13 force in these policies, contracts, plans, or
14 agreements.

15 For the purpose of this paragraph[, ~~the term~~
16 ~~"low-dose mammography"~~]:

17 "Breast tomosynthesis" means a radiologic
18 procedure that involves the acquisition of projection
19 images over the stationary breast to produce cross-
20 sectional digital three-dimensional images of the
21 breast.



1 "Low-dose mammography" means the x-ray
2 examination of the breast using equipment dedicated
3 specifically for mammography, including but not
4 limited to the x-ray tube, filter, compression device,
5 screens, films, and cassettes, with an average
6 radiation exposure delivery of less than one rad mid-
7 breast, with two views for each breast. The term
8 "low-dose mammography" also includes digital
9 mammography and breast tomosynthesis. An insurer may
10 provide the services required by this paragraph
11 through contracts with providers; provided that the
12 contract is determined to be a cost-effective means of
13 delivering the services without sacrifice of quality
14 and meets the approval of the director of health;

- 15 (5) (A) (i) Notwithstanding any provision to the
16 contrary, whenever a policy, contract, plan,
17 or agreement provides coverage for the
18 children of the insured, that coverage shall
19 also extend to the date of birth of any
20 newborn child to be adopted by the insured;
21 provided that the insured gives written



1 notice to the insurer of the insured's
2 intent to adopt the child prior to the
3 child's date of birth or within thirty days
4 after the child's birth or within the time
5 period required for enrollment of a natural
6 born child under the policy, contract, plan,
7 or agreement of the insured, whichever
8 period is longer; provided further that if
9 the adoption proceedings are not successful,
10 the insured shall reimburse the insurer for
11 any expenses paid for the child; and

12 (ii) Where notification has not been received by
13 the insurer prior to the child's birth or
14 within the specified period following the
15 child's birth, insurance coverage shall be
16 effective from the first day following the
17 insurer's receipt of legal notification of
18 the insured's ability to consent for
19 treatment of the infant for whom coverage is
20 sought; and



1 (B) When the insured is a member of a health
2 maintenance organization [~~HMO~~], coverage of an
3 adopted newborn is effective:
4 (i) From the date of birth of the adopted
5 newborn when the newborn is treated from
6 birth pursuant to a provider contract with
7 the health maintenance organization, and
8 written notice of enrollment in accord with
9 the health maintenance organization's usual
10 enrollment process is provided within thirty
11 days of the date the insured notifies the
12 health maintenance organization of the
13 insured's intent to adopt the infant for
14 whom coverage is sought; or
15 (ii) From the first day following receipt by the
16 health maintenance organization of written
17 notice of the insured's ability to consent
18 for treatment of the infant for whom
19 coverage is sought and enrollment of the
20 adopted newborn in accord with the health
21 maintenance organization's usual enrollment

1 process if the newborn has been treated from
2 birth by a provider not contracting or
3 affiliated with the health maintenance
4 organization; and

5 (6) Notwithstanding any provision to the contrary, any
6 policy, contract, plan, or agreement issued or renewed
7 in this State shall provide reimbursement for services
8 provided by advanced practice registered nurses
9 licensed pursuant to chapter 457. Services rendered
10 by advanced practice registered nurses are subject to
11 the same policy limitations generally applicable to
12 health care providers within the policy, contract,
13 plan, or agreement."

14 SECTION 3. Section 432:1-605, Hawaii Revised Statutes, is
15 amended by amending subsection (c) to read as follows:

16 "(c) For purposes of this section[, "~~low-dose~~
17 mammography"]:

18 "Breast tomosynthesis" means a radiologic procedure that
19 involves the acquisition of projection images over the
20 stationary breast to produce cross-sectional digital three-
21 dimensional images of the breast.



1 "Low-dose mammography" means the x-ray examination of the
2 breast using equipment dedicated specifically for mammography,
3 including but not limited to the x-ray tube, filter, compression
4 device, screens, films, and cassettes, with an average radiation
5 exposure delivery of less than one rad mid-breast, with two
6 views for each breast. The term "low-dose mammography" also
7 includes digital mammography and breast tomosynthesis."

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect on July 1, 2019, and
11 shall be repealed on June 30, 2024; provided that sections
12 431:10A-116 and 432:1-605(c), Hawaii Revised Statutes, shall be
13 reenacted in the form in which they read on the day prior to the
14 effective date of this Act.



Report Title:

Insurance; Breast Cancer Detection; Covered Services; Digital Mammography; Breast Tomosynthesis

Description:

Clarifies that the existing health insurance mandate for coverage of low-dose mammography includes coverage for advancing methodologies of digital mammography and breast tomosynthesis. Sunsets June 30, 2024. (SD1)

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