

JAN 18 2019

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. Because it improves
5 breast cancer detection, a growing number of states have
6 included coverage for breast tomosynthesis within their existing
7 insurance mandates for mammography. The purpose of this bill is
8 to improve breast cancer detection rates in the State by
9 clarifying that the existing health insurance mandate for
10 coverage of low-dose mammography includes coverage for digital
11 mammography and breast tomosynthesis.

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

14 "**§431:10A-116 Coverage for specific services.** Every
15 person insured under a policy of accident and health or sickness
16 insurance delivered or issued for delivery in this State shall
17 be entitled to the reimbursements and coverages specified below:



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

15 (2) Notwithstanding any provision to the contrary, for all
16 policies, contracts, plans, or agreements issued on or
17 after May 30, 1974, whenever provision is made for
18 reimbursement or indemnity for any service related to
19 surgical or emergency procedures, which is within the
20 lawful scope of practice of any practitioner licensed
21 to practice medicine in this State, reimbursement or



1 indemnification under the policy, contract, plan, or
2 agreement shall not be denied when the services are
3 performed by a dentist acting within the lawful scope
4 of the dentist's license;

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

13 (4) Notwithstanding any provision to the contrary, each
14 policy, contract, plan, or agreement issued on or
15 after February 1, 1991, except for policies that only
16 provide coverage for specified diseases or other
17 limited benefit coverage, but including policies
18 issued by companies subject to chapter 431, article
19 10A, part II and chapter 432, article 1 shall provide
20 coverage for screening by low-dose mammography for
21 occult breast cancer as follows:



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

3 (B) For a woman of any age with a history of breast
4 cancer or whose mother or sister has had a
5 history of breast cancer, a mammogram upon the
6 recommendation of the woman's physician.

7 The services provided in this paragraph are
8 subject to any coinsurance provisions that may be in
9 force in these policies, contracts, plans, or
10 agreements.

11 For the purpose of this paragraph [~~the term~~
12 "low-dose mammography"]:

13 "Breast tomosynthesis" means a radiologic
14 procedure that involves the acquisition of projection
15 images over the stationary breast to produce cross-
16 sectional digital three-dimensional images of the
17 breast.

18 "Low-dose mammography" means the x-ray
19 examination of the breast using equipment dedicated
20 specifically for mammography, including but not
21 limited to the x-ray tube, filter, compression device,



1 screens, films, and cassettes, with an average
2 radiation exposure delivery of less than one rad mid-
3 breast, with two views for each breast. The term
4 "low-dose mammography" also includes digital
5 mammography and breast tomosynthesis.

6 An insurer may provide the services required by this
7 paragraph through contracts with providers; provided
8 that the contract is determined to be a cost-effective
9 means of delivering the services without sacrifice of
10 quality and meets the approval of the director of
11 health;

- 12 (5) (A) (i) Notwithstanding any provision to the
13 contrary, whenever a policy, contract, plan,
14 or agreement provides coverage for the
15 children of the insured, that coverage shall
16 also extend to the date of birth of any
17 newborn child to be adopted by the insured;
18 provided that the insured gives written
19 notice to the insurer of the insured's
20 intent to adopt the child prior to the
21 child's date of birth or within thirty days



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

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

18 (B) When the insured is a member of a health
19 maintenance organization (HMO), coverage of an
20 adopted newborn is effective:



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- 1 (i) From the date of birth of the adopted
2 newborn when the newborn is treated from
3 birth pursuant to a provider contract with
4 the health maintenance organization, and
5 written notice of enrollment in accord with
6 the health maintenance organization's usual
7 enrollment process is provided within thirty
8 days of the date the insured notifies the
9 health maintenance organization of the
10 insured's intent to adopt the infant for
11 whom coverage is sought; or
- 12 (ii) From the first day following receipt by the
13 health maintenance organization of written
14 notice of the insured's ability to consent
15 for treatment of the infant for whom
16 coverage is sought and enrollment of the
17 adopted newborn in accord with the health
18 maintenance organization's usual enrollment
19 process if the newborn has been treated from
20 birth by a provider not contracting or



1 affiliated with the health maintenance
2 organization; and

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

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

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

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

20 "Low-dose mammography" means the x-ray examination of the
21 breast using equipment dedicated specifically for mammography,



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

6 SECTION 4. Statutory material to be repealed is bracketed
 7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on July 1, 2019.

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Report Title:

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

Description:

Clarifies that the existing health insurance mandate for coverage of low-dose mammography includes coverage for digital mammography and breast tomosynthesis.

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