
A BILL FOR AN ACT

RELATING TO INSURANCE.

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

1 PART I

2 SECTION 1. The legislature finds that three-dimensional
3 mammography, also known as breast tomosynthesis, has been shown
4 to improve the results of mammography when compared to the more
5 common two-dimensional digital mammography. Because it improves
6 breast cancer detection, a growing number of states have
7 included coverage for breast tomosynthesis within their existing
8 insurance mandates for mammography. The purpose of this Act is
9 to improve breast cancer detection rates in the State by
10 clarifying that the existing health insurance mandate for
11 coverage of low-dose mammography includes coverage for digital
12 mammography and breast tomosynthesis.

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

15 "§431:10A-116 Coverage for specific services. Every
16 person insured under a policy of accident and health or sickness



1 insurance delivered or issued for delivery in this State shall
2 be entitled to the reimbursements and coverages specified below:

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

17 (2) Notwithstanding any provision to the contrary, for all
18 policies, contracts, plans, or agreements issued on or
19 after May 30, 1974, whenever provision is made for
20 reimbursement or indemnity for any service related to
21 surgical or emergency procedures, which is within the



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

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

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



1 coverage for screening by low-dose mammography for
2 occult breast cancer as follows:

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

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

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

13 For the purpose of this paragraph[, ~~the term~~
14 ~~"low dose mammography"~~]:

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

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



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

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



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

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

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



- 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[~~7, "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,



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 PART II

7 SECTION 4. The state auditor shall conduct a review to
8 determine:

- 9 (1) If an impact assessment report pursuant to section 23-
10 51, Hawaii Revised Statutes, is warranted for coverage
11 of the benefits mandated in this Act; and
12 (2) If the benefits mandated in this Act trigger any
13 requirement to defray the cost of new mandated
14 benefits in excess of the essential health benefits as
15 required by section 1311(d)(3) of the federal Patient
16 Protection and Affordable Care Act (P.L. 111-148).

17 The state auditor shall submit a report of its findings and
18 recommendations, including any proposed legislation, to the
19 legislature no later than twenty days prior to the convening of
20 the regular session of 2020.



Report Title:

Insurance; Breast Cancer Detection; Covered Services;
Mammography; Breast Tomosynthesis; State Auditor Review

Description:

Amends the existing health insurance mandate to specify that coverage of low-dose mammography includes coverage for digital mammography and breast tomosynthesis. Requires the State Auditor to perform analysis of new benefits to determine if a statutory sunrise analysis requirement and federal requirements to defray costs of new mandate has been triggered. (HB481 HD1)

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