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# 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 it is compared to the  
4 more common two-dimensional digital mammography. These  
5 technologies have been shown to be more effective for patients  
6 with dense breast tissue and for patients that are at a higher  
7 risk of breast cancer. Because it improves breast cancer  
8 detection, a growing number of states have included coverage for  
9 breast tomosynthesis within their existing insurance mandates  
10 for 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 the advancing methodologies of digital  
15 mammography and breast 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.

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

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



1 provided that the insured gives written  
2 notice to the insurer of the insured's  
3 intent to adopt the child prior to the  
4 child's date of birth or within thirty days  
5 after the child's birth or within the time  
6 period required for enrollment of a natural  
7 born child under the policy, contract, plan,  
8 or agreement of the insured, whichever  
9 period is longer; provided further that if  
10 the adoption proceedings are not successful,  
11 the insured shall reimburse the insurer for  
12 any expenses paid for the child; and  
13 (ii) Where notification has not been received by  
14 the insurer prior to the child's birth or  
15 within the specified period following the  
16 child's birth, insurance coverage shall be  
17 effective from the first day following the  
18 insurer's receipt of legal notification of  
19 the insured's ability to consent for  
20 treatment of the infant for whom coverage is  
21 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, 2050, 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; 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. (SB1034 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

