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# A BILL FOR AN ACT

RELATING TO BREAST CANCER SCREENING.

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

1           SECTION 1. The legislature is committed to ensuring that  
2 all women have ready access to breast cancer screening,  
3 regardless of age and ethnicity; provided that these screenings  
4 are requested by state licensed and authorized medical  
5 practitioners.

6           The legislature has serious reservations about the  
7 implementation of United States preventive services task force  
8 guidelines with respect to breast cancer screening. In 2009 and  
9 2016, the United States preventive services task force released  
10 recommendations that were a significant departure from screening  
11 guidelines issued by leading clinical organizations, including  
12 the American College of Radiology, the National Comprehensive  
13 Cancer Network, and the American Medical Association. If the  
14 United States preventive services task force guidelines were  
15 implemented, insurance plans would no longer be required to  
16 cover annual mammography without cost sharing for millions of  
17 women forty to forty-nine years of age.



1           The legislature recognizes that the federal government has  
2 delayed implementation of United States preventive services task  
3 force guidelines through legislatively enacted moratoriums, the  
4 most recent of which is scheduled to expire January 1, 2025.

5           The legislature finds that there is ample data showing that  
6 annual mammographic screenings significantly reduce breast  
7 cancer deaths and morbidity and that effective screening  
8 programs are in the best interest of the State and its  
9 residents. The legislature further recognizes that certain  
10 ethnic groups suffer a disproportionately higher rate of breast  
11 cancer diagnoses before the age of fifty. The legislature is  
12 concerned that minority women would also be disproportionately  
13 and adversely impacted by United States preventive services task  
14 force guidelines limiting their access to life-saving screening.

15           The purpose of this Act is to improve breast cancer  
16 detection rates in the State by:

- 17           (1) Increasing the categories of women required to be  
18 covered for mammogram screenings;
- 19           (2) Requiring that the existing health insurance mandate  
20 for coverage of low-dose screening mammography include  
21 digital mammography and breast tomosynthesis; and



1 (3) Defining "digital breast tomosynthesis".

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

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

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



1 (2) Notwithstanding any provision to the contrary, for all  
2 policies, contracts, plans, or agreements issued on or  
3 after May 30, 1974, whenever provision is made for  
4 reimbursement or indemnity for any service related to  
5 a surgical or emergency [procedures, which] procedure  
6 that is within the lawful scope of practice of any  
7 practitioner licensed to practice medicine in this  
8 State, reimbursement or indemnification under the  
9 policy, contract, plan, or agreement shall not be  
10 denied when the [~~services are~~] service is performed by  
11 a dentist acting within the lawful scope of the  
12 dentist's license;

13 (3) Notwithstanding any provision to the contrary,  
14 whenever the policy provides reimbursement or payment  
15 for any service[~~, which~~] that is within the lawful  
16 scope of practice of a psychologist licensed in this  
17 State, the person entitled to benefits or performing  
18 the service shall be entitled to reimbursement or  
19 payment, whether the service is performed by a  
20 licensed physician or licensed psychologist;



1 (4) Notwithstanding any provision to the contrary, each  
 2 policy, contract, plan, or agreement issued on or  
 3 after February 1, 1991, except for policies that only  
 4 provide coverage for specified diseases or other  
 5 limited benefit coverage, but including policies  
 6 issued by companies subject to chapter 431, article  
 7 10A, part II and chapter 432, article 1, shall provide  
 8 coverage for screening by low-dose mammography for  
 9 occult breast cancer as follows:

10 (A) ~~[For]~~ All women should be evaluated for breast  
 11 cancer risk by age thirty, so that those at  
 12 increased risk, per appropriate American College  
 13 of Radiology guidelines, can be identified and  
 14 begin screening before age forty;

15 (B) In accordance with American College of Radiology  
 16 guidelines, for women at an average risk of  
 17 breast cancer forty years of age and older, an  
 18 annual screening mammogram; [and

19 ~~(B)]~~ (C) In accordance with American College of Radiology  
 20 guidelines, for women thirty years of age or  
 21 older who are deemed by a licensed physician or



1                    clinician to have an increased risk for breast  
2                    cancer, an annual mammogram;  
3                    (D) For [~~a woman~~] women of any age [~~with~~] having a  
4                    history of breast cancer [~~or whose mother or~~  
5                    ~~sister has had a history of breast cancer, a~~], an  
6                    annual mammogram [~~upon the recommendation of the~~  
7                    ~~woman's physician.~~]; and  
8                    (E) For women of any age, any additional or  
9                    supplemental imaging, including breast magnetic  
10                    resonance imaging or ultrasound, deemed medically  
11                    necessary by an applicable American College of  
12                    Radiology guideline.  
13                    The services provided in this paragraph are  
14                    subject to any coinsurance provisions that may be in  
15                    force in these policies, contracts, plans, or  
16                    agreements[~~7~~], and shall be at least as favorable and  
17                    subject to the same dollar limits, deductibles, and  
18                    co-payments as other radiological examinations;  
19                    For [~~the purpose~~] purposes of this paragraph[~~7~~  
20                    ~~the term "low-dose"~~]:



1           "Digital breast tomosynthesis" means a radiologic  
2           procedure that allows a volumetric reconstruction of  
3           the whole breast from a finite number of low-dose,  
4           two-dimensional projections obtained by different  
5           x-ray tube angles, creating a series of images forming  
6           a three-dimensional representation of the breast.

7           "Low-dose mammography" means the x-ray  
8           examination of the breast using equipment dedicated  
9           specifically for mammography, including but not  
10          limited to the x-ray tube, filter, compression device,  
11          screens, films, and cassettes, with an average  
12          radiation exposure delivery of less than one rad  
13          mid-breast, with two views for each breast. "Low-dose  
14          mammography" includes digital mammography, digital  
15          breast tomosynthesis, and the practice of interpreting  
16          and rendering a report by a radiologist or other  
17          physician based on the screening.

18                 An insurer may provide the services required by  
19                 this paragraph through contracts with providers;  
20                 provided that the contract is determined to be a  
21                 cost-effective means of delivering the services



1 without sacrifice of quality and meets the approval of  
2 the director of health; and  
3 (5) (A) (i) Notwithstanding any provision to the  
4 contrary, whenever a policy, contract, plan,  
5 or agreement provides coverage for the  
6 children of the insured, that coverage shall  
7 also extend to the date of birth of any  
8 newborn child to be adopted by the insured;  
9 provided that the insured [~~gives~~] shall give  
10 written notice to the insurer of the  
11 insured's intent to adopt the child prior to  
12 the child's date of birth [~~or~~], within  
13 thirty days after the child's birth, or  
14 within the time period required for  
15 enrollment of a natural born child under the  
16 policy, contract, plan, or agreement of the  
17 insured, whichever period is longer;  
18 provided further that if the adoption  
19 proceedings are not successful, the insured  
20 shall reimburse the insurer for any expenses  
21 paid for the child; and



1 (ii) Where notification has not been received by  
2 the insurer prior to the child's birth or  
3 within the specified period following the  
4 child's birth, insurance coverage shall be  
5 effective from the first day following the  
6 insurer's receipt of legal notification of  
7 the insured's ability to consent for  
8 treatment of the infant for whom coverage is  
9 sought; and

10 (B) When the insured is a member of a health  
11 maintenance organization, coverage of an adopted  
12 newborn is effective:

13 (i) From the date of birth of the adopted  
14 newborn when the newborn is treated from  
15 birth pursuant to a provider contract with  
16 the health maintenance organization, and  
17 written notice of enrollment in accord with  
18 the health maintenance organization's usual  
19 enrollment process is provided within thirty  
20 days of the date the insured notifies the  
21 health maintenance organization of the



1           insured's intent to adopt the infant for  
 2           whom coverage is sought; or  
 3           (ii) From the first day following receipt by the  
 4           health maintenance organization of written  
 5           notice of the insured's ability to consent  
 6           for treatment of the infant for whom  
 7           coverage is sought and enrollment of the  
 8           adopted newborn in accord with the health  
 9           maintenance organization's usual enrollment  
 10          process if the newborn has been treated from  
 11          birth by a provider not contracting or  
 12          affiliated with the health maintenance  
 13          organization."

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          "Digital breast tomosynthesis" means a radiologic procedure  
 18          that allows a volumetric reconstruction of the whole breast from  
 19          a finite number of low-dose, two-dimensional projections  
 20          obtained by different x-ray tube angles, creating a series of  
 21          images forming a three-dimensional representation 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. "Low-dose mammography" includes digital  
7 mammography, digital breast tomosynthesis, and the practice of  
8 interpreting and rendering a report by a radiologist or other  
9 physician based on the screening."

10        SECTION 4. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12        SECTION 5. This Act shall take effect on June 30, 3000.

13



**Report Title:**

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

**Description:**

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. Defines "digital breast tomosynthesis". Effective 6/30/3000. (HD1)

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

