

**ACT 112**

S.B. NO. 1398

A Bill for an Act Relating to Insuring Mammogram Screening.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that breast cancer is the leading cancer in women in the United States and also the second leading cause of cancer

deaths. The legislature further finds that screening mammograms, when properly performed and interpreted and combined with a physical examination of the breast, can detect cancer in its earliest stages. Further, studies have shown that periodic mammogram screening can improve survival and reduce mortality from breast cancer.

The purpose of this Act is to encourage the use of mammogram screening among the women of Hawaii and to ensure that policies providing health insurance in the State of Hawaii cover a minimum schedule of screening for all beneficiaries.

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

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

- (1) Notwithstanding any provision to the contrary, whenever a policy, contract, plan, or agreement provides for reimbursement for any visual or optometric service which is within the lawful scope of practice of a duly licensed optometrist, the person entitled to benefits or the person performing the services shall be entitled to reimbursement whether the service is performed by a licensed physician or by a licensed optometrist. Visual or optometric services shall include eye [and/or] or visual examination, or both, or a correction of any visual or muscular anomaly, and the supplying of ophthalmic materials, lenses, contact lenses, spectacles, eyeglasses and apparatuses thereto.
- (2) Notwithstanding any provision to the contrary, for all policies, contracts, plans, or agreements issued on or after May 30, 1974, whenever provision is made for reimbursement or indemnity for any service related to surgical or emergency procedures which is within the lawful scope of practice of any practitioner licensed to practice medicine in this State, reimbursement or indemnification under such policy, contract, plan, or agreement shall not be denied when such services are performed by a dentist acting within the lawful scope of the dentist's license.
- (3) Notwithstanding any provision to the contrary, whenever the policy provides reimbursement or payment for any service which is within the lawful scope of practice of a psychologist licensed in this State, the person entitled to benefits or performing the service shall be entitled to reimbursement or payment, whether the service is performed by a licensed physician or licensed psychologist.
- (4) Notwithstanding any provision to the contrary, each policy, contract, plan, or agreement issued on or after the effective date of this Act, except for policies which only provide coverage for specified diseases or other limited benefit coverage, but including policies issued by companies subject to chapter 431, article 10A, part II and chapter 432, article 1 shall provide coverage for screening by low-dose mammography for occult breast cancer as follows:
  - (A) For women thirty-five to thirty-nine years of age, one baseline mammogram;
  - (B) For women forty to forty-nine years of age, a mammogram every two years;

- (C) For women fifty years of age and older, an annual mammogram; and
- (D) For a woman of any age with a history of breast cancer or whose mother or sister has had a history of breast cancer, a mammogram upon the recommendation of the woman's physician.

The services provided in this paragraph are subject to any coinsurance provisions which may be in force in these policies, contracts, plans, or agreements. The commissioner shall annually review the age and frequency guidelines for mammographic screening recommended by the American Cancer Society, and shall accordingly adjust the age and frequency requirements under subparagraphs (A) to (C) by rule, if necessary.

For the purpose of this paragraph, the term "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including but not limited to the x-ray tube, filter, compression device, screens, films, and cassettes, with an average radiation exposure delivery of less than one rad mid-breast, with two views for each breast. An insurer may provide the services required by this paragraph through contracts with providers; provided that the contract is determined to be a cost-effective means of delivering the services without sacrifice of quality and meets the approval of the director of health."

SECTION 3. Chapter 432, Hawaii Revised Statutes, is amended by adding a new section to article I, part VI to be appropriately designated and to read as follows:

**"§432- Mammogram screening.** (a) Notwithstanding any provision to the contrary, each policy, contract, plan, or agreement issued on or after the effective date of this Act, except for policies which only provide coverage for specified diseases or other limited benefit coverage, but including policies issued by companies subject to chapter 431, article 10A, part II and chapter 432, article 1 shall provide coverage for screening by low-dose mammography for occult breast cancer as follows:

- (1) For women thirty-five to thirty-nine years of age, one baseline mammogram;
- (2) For women forty to forty-nine years of age, a mammogram every two years;
- (3) For women fifty years of age and older, an annual mammogram; and
- (4) For a woman of any age with a history of breast cancer or whose mother or sister has had a history of breast cancer, a mammogram upon the recommendation of the woman's physician.

(b) The services provided in subsection (a) are subject to any coinsurance provisions which may be in force in these policies, contracts, plans, or agreements. The commissioner shall annually review the age and frequency guidelines for mammogram screening recommended by the American Cancer Society, and shall accordingly adjust the age and frequency requirements under subsections (a)(1) to (3) by rule, if necessary.

(c) For purposes of this section, "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including but not limited to the x-ray tube, filter, compression

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device, screens, films, and cassettes, with an average radiation exposure delivery of less than one rad mid-breast, with two views for each breast.

(d) An insurer may provide the services required by this section through contracts with providers; provided that the contract is determined to be a cost-effective means of delivering the services without sacrifice of quality and meets the approval of the director of health."

SECTION 4. Section 26H-4, Hawaii Revised Statutes, is amended to read as follows:

**"§26H-4 Repeal dates.** (a) The following chapter and sections are hereby repealed effective December 31, 1990:

- (1) Chapter 466J (Board of Radiologic Technology)
- (2) Sections 321-13 to 321-15 (midwives, laboratory directors, laboratory technologists, laboratory supervisors, laboratory technicians, tattoo artists, electrologists, and sanitarians)

(b) The following chapters are hereby repealed effective December 31, 1991:

- (1) Chapter 447 (Dental Hygienists)
- (2) Chapter 453 (Board of Medical Examiners)
- (3) Chapter 457 (Board of Nursing)
- (4) Chapter 458 (Board of Dispensing Opticians)
- (5) Chapter 460J (Pest Control Board)
- (6) Chapter 462A (Pilotage)
- (7) Chapter 438 (Board of Barbers)
- (8) Chapter 468K (Travel Agencies)

(c) The following chapters are hereby repealed effective December 31, 1992:

- (1) Chapter 448H (Elevator Mechanics Licensing Board)
- (2) Chapter 451A (Board of Hearing Aid Dealers and Fitters)
- (3) Chapter 457B (Board of Examiners of Nursing Home Administrators)
- (4) Chapter 460 (Board of Osteopathic Examiners)
- (5) Chapter 461 (Board of Pharmacy)
- (6) Chapter 461J (Board of Physical Therapy)
- (7) Chapter 463E (Podiatry)
- (8) Chapter 467D (Social Workers)

(d) The following chapters are hereby repealed effective December 31, 1993:

- (1) Chapter 437 (Motor Vehicle Industry Licensing Board)
- (2) Chapter 437B (Motor Vehicle Repair Industry Board)
- (3) Chapter 440 (Boxing Commission)
- (4) Chapter 446 (Debt Adjusters)
- (5) Chapter 436E (Board of Acupuncture)

(e) The following sections are hereby repealed effective December 31, 1993:

- (1) Sections 445-21 to 38 (Auctions)
- (2) Sections 445-131 to 136 (Pawnbrokers)
- (3) Sections 445-171 to 172 (Secondhand Dealers)
- (4) Sections 445-231 to 235 (Scrap Dealers)

(f) The following chapters are hereby repealed effective December 31, 1994:

- (1) Chapter 441 (Cemetery and Funeral Trusts)
- (2) Chapter 443B (Collection Agencies)

- (3) Chapter 452 (Board of Massage)
- (4) Chapter 455 (Board of Examiners in Naturopathy)
- (5) Chapter 459 (Board of Examiners in Optometry)
- (6) Chapter 442 (Board of Chiropractic Examiners)
- (7) Chapter 373 (Commercial Employment Agencies)
- (8) Chapter 448 (Board of Dental Examiners)
- (9) Chapter 465 (Board of Psychology)
- (10) Chapter 468E (Speech Pathology and Audiology)
- (g) The following chapters are hereby repealed effective December 31,

1995:

- (1) Chapter 439 (Board of Cosmetology)
- (2) Chapter 444 (Contractors License Board)
- (3) Chapter 448E (Board of Electricians and Plumbers)
- (4) Chapter 454 (Mortgage Brokers and Solicitors)
- (5) Chapter 454D (Real Estate Collection Servicing Agents)
- (6) Chapter 464 (Professional Engineers, Architects, Surveyors and Landscape Architects)
- (7) Chapter 466 (Board of Public Accountancy)
- (8) Chapter 467 (Real Estate Commission)
- (h) The following sections are hereby repealed effective December 31,

1996:

- (1) Sections 431:10A-116(4) and 432- (Mammogram Screening)

31, 1997: [(h)] (i) The following chapters are hereby repealed effective December

- (1) Chapter 463 (Board of Private Detectives and Guards)
- (2) Chapter 471 (Board of Veterinary Examiners).”

SECTION 5. The director of health shall monitor the availability of safe equipment and trained personnel for mammogram screening in Hawaii and from time to time modify the age and frequency guidelines which define the coverage, if warranted, to assure that the demand for screening does not exceed the ability of the medical community to safely provide the services required by this Act.

SECTION 6. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>1</sup>

SECTION 7. This Act shall take effect on February 1, 1991.

(Approved June 8, 1990.)

**Note**

1. Edited pursuant to HRS §23G-16.5.