

1883

2011-2012 Regular Sessions

I N S E N A T E

January 13, 2011

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring health insurance policies to cover comprehensive ultrasound screening and magnetic resonance imaging for breast cancer in certain cases and requiring the provision of certain information relating to breast density to patients

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph 11 of subsection (i) of section 3216 of the
2 insurance law is amended by adding a new subparagraph (D) to read as
3 follows:
4 (D) (I) SUCH POLICY SHALL PROVIDE ADDITIONAL COVERAGE FOR COMPREHEN-
5 SIVE ULTRASOUND SCREENING, MAGNETIC RESONANCE IMAGING (MRI), AND/OR
6 OTHER SCREENING TESTS APPROVED BY THE AMERICAN COLLEGE OF RADIOLOGY OF
7 AN ENTIRE BREAST OR THE ENTIRETY OF BOTH BREASTS IF:
8 (I) A MAMMOGRAM DEMONSTRATES HETEROGENEOUS OR DENSE BREAST TISSUE
9 BASED ON THE BREAST IMAGING REPORTING AND DATA SYSTEM ESTABLISHED BY THE
10 AMERICAN COLLEGE OF RADIOLOGY; OR
11 (II) A WOMAN IS BELIEVED TO BE AT INCREASED RISK FOR BREAST CANCER DUE
12 TO FAMILY HISTORY OR PRIOR PERSONAL HISTORY OF BREAST CANCER, POSITIVE
13 GENETIC TESTING OR OTHER INDICATIONS AS DETERMINED BY SUCH WOMAN'S
14 PHYSICIAN OR NURSE PRACTITIONER.
15 (II) SUCH ADDITIONAL COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND
16 COINSURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS
17 ARE CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN
18 POLICY.
19 (III) EACH MAMMOGRAPHY REPORT PROVIDED TO A PATIENT SHALL INCLUDE
20 INFORMATION ABOUT BREAST DENSITY, BASED ON THE BREAST IMAGING REPORTING
21 AND DATA SYSTEM ESTABLISHED BY THE AMERICAN COLLEGE OF RADIOLOGY. WHERE
22 APPLICABLE, SUCH REPORT SHALL INCLUDE THE FOLLOWING NOTICE: "IF YOUR

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 MAMMOGRAM DEMONSTRATES THAT YOU HAVE DENSE BREAST TISSUE, WHICH COULD
2 HIDE SMALL ABNORMALITIES, YOU MIGHT BENEFIT FROM SUPPLEMENTARY SCREENING
3 TESTS, WHICH CAN INCLUDE A BREAST ULTRASOUND SCREENING OR A BREAST MRI
4 EXAMINATION, OR BOTH, DEPENDING ON YOUR INDIVIDUAL RISK FACTORS. A
5 REPORT OF YOUR MAMMOGRAPHY RESULTS, WHICH CONTAINS INFORMATION ABOUT
6 YOUR BREAST DENSITY, HAS BEEN SENT TO YOUR PHYSICIAN'S OFFICE AND YOU
7 SHOULD CONTACT YOUR PHYSICIAN IF YOU HAVE ANY QUESTIONS OR CONCERNS
8 ABOUT THIS REPORT."

9 S 2. Paragraph 11 of subsection (l) of section 3221 of the insurance
10 law is amended by adding a new subparagraph (D) to read as follows:

11 (D) (I) SUCH POLICY SHALL PROVIDE ADDITIONAL COVERAGE FOR COMPREHEN-
12 SIVE ULTRASOUND SCREENING, MAGNETIC RESONANCE IMAGING (MRI), AND/OR
13 OTHER SCREENING TESTS APPROVED BY THE AMERICAN COLLEGE OF RADIOLOGY OF
14 AN ENTIRE BREAST OR THE ENTIRETY OF BOTH BREASTS IF:

15 (I) A MAMMOGRAM DEMONSTRATES HETEROGENEOUS OR DENSE BREAST TISSUE
16 BASED ON THE BREAST IMAGING REPORTING AND DATA SYSTEM ESTABLISHED BY THE
17 AMERICAN COLLEGE OF RADIOLOGY; OR

18 (II) A WOMAN IS BELIEVED TO BE AT AN INCREASED RISK FOR BREAST CANCER
19 DUE TO FAMILY HISTORY OR PRIOR PERSONAL HISTORY OF BREAST CANCER, POSI-
20 TIVE GENETIC TESTING OR OTHER INDICATIONS AS DETERMINED BY SUCH WOMAN'S
21 PHYSICIAN OR NURSE PRACTITIONER.

22 (II) SUCH ADDITIONAL COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND
23 COINSURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS
24 ARE CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN
25 POLICY.

26 (III) EACH MAMMOGRAPHY REPORT PROVIDED TO A PATIENT SHALL INCLUDE
27 INFORMATION ABOUT BREAST DENSITY, BASED ON THE BREAST IMAGING REPORTING
28 AND DATA SYSTEM ESTABLISHED BY THE AMERICAN COLLEGE OF RADIOLOGY. WHERE
29 APPLICABLE, SUCH REPORT SHALL INCLUDE THE FOLLOWING NOTICE: "IF YOUR
30 MAMMOGRAM DEMONSTRATES THAT YOU HAVE DENSE BREAST TISSUE, WHICH COULD
31 HIDE SMALL ABNORMALITIES, YOU MIGHT BENEFIT FROM SUPPLEMENTARY SCREENING
32 TESTS, WHICH CAN INCLUDE A BREAST ULTRASOUND SCREENING OR A BREAST MRI
33 EXAMINATION, OR BOTH, DEPENDING ON YOUR INDIVIDUAL RISK FACTORS. A
34 REPORT OF YOUR MAMMOGRAPHY RESULTS, WHICH CONTAINS INFORMATION ABOUT
35 YOUR BREAST DENSITY, HAS BEEN SENT TO YOUR PHYSICIAN'S OFFICE AND YOU
36 SHOULD CONTACT YOUR PHYSICIAN IF YOU HAVE ANY QUESTIONS OR CONCERNS
37 ABOUT THIS REPORT."

38 S 3. Subsection (p) of section 4303 of the insurance law is amended by
39 adding a new paragraph 4 to read as follows:

40 (4) (A) SUCH COVERAGE SHALL PROVIDE ADDITIONAL COVERAGE FOR COMPREHEN-
41 SIVE ULTRASOUND SCREENING, MAGNETIC RESONANCE IMAGING (MRI), AND/OR
42 OTHER SCREENING TESTS APPROVED BY THE AMERICAN COLLEGE OF RADIOLOGY OF
43 AN ENTIRE BREAST OR THE ENTIRETY OF BOTH BREASTS IF:

44 (I) A MAMMOGRAM DEMONSTRATES HETEROGENEOUS OR DENSE BREAST TISSUE
45 BASED ON THE BREAST IMAGING REPORTING AND DATA SYSTEM ESTABLISHED BY THE
46 AMERICAN COLLEGE OF RADIOLOGY; OR

47 (II) A WOMAN IS BELIEVED TO BE AT INCREASED RISK FOR BREAST CANCER DUE
48 TO FAMILY HISTORY OR PRIOR PERSONAL HISTORY OF BREAST CANCER, POSITIVE
49 GENETIC TESTING OR OTHER INDICATIONS AS DETERMINED BY SUCH WOMAN'S
50 PHYSICIAN OR NURSE PRACTITIONER.

51 THE ADDITIONAL COVERAGE REQUIRED IN THIS SUBPARAGRAPH MAY BE SUBJECT
52 TO ANNUAL DEDUCTIBLES AND COINSURANCE AS MAY BE DEEMED APPROPRIATE BY
53 THE SUPERINTENDENT AND AS ARE CONSISTENT WITH THOSE ESTABLISHED FOR
54 OTHER BENEFITS WITHIN A GIVEN POLICY.

55 (B) EACH MAMMOGRAPHY REPORT PROVIDED TO A PATIENT SHALL INCLUDE INFOR-
56 MATION ABOUT BREAST DENSITY, BASED ON THE BREAST IMAGING REPORTING AND

1 DATA SYSTEM ESTABLISHED BY THE AMERICAN COLLEGE OF RADIOLOGY. WHERE
2 APPLICABLE, SUCH REPORT SHALL INCLUDE THE FOLLOWING NOTICE: "IF YOUR
3 MAMMOGRAM DEMONSTRATES THAT YOU HAVE DENSE BREAST TISSUE, WHICH COULD
4 HIDE SMALL ABNORMALITIES, YOU MIGHT BENEFIT FROM SUPPLEMENTARY SCREENING
5 TESTS, WHICH CAN INCLUDE A BREAST ULTRASOUND SCREENING OR A BREAST MRI
6 EXAMINATION, OR BOTH, DEPENDING ON YOUR INDIVIDUAL RISK FACTORS. A
7 REPORT OF YOUR MAMMOGRAPHY RESULTS, WHICH CONTAINS INFORMATION ABOUT
8 YOUR BREAST DENSITY, HAS BEEN SENT TO YOUR PHYSICIAN'S OFFICE AND YOU
9 SHOULD CONTACT YOUR PHYSICIAN IF YOU HAVE ANY QUESTIONS OR CONCERNS
10 ABOUT THIS REPORT."

11 S 4. Paragraph 7 of subsection (d) of section 4326 of the insurance
12 law, as added by chapter 1 of the laws of 1999, is amended to read as
13 follows:

14 (7) adult preventive health services consisting of mammography screen-
15 ing, AS PROVIDED IN SUBSECTION (P) OF SECTION FOUR THOUSAND THREE
16 HUNDRED THREE OF THIS ARTICLE; cervical cytology screening; periodic
17 physical examinations no more than once every three years; and adult
18 immunizations;

19 S 5. This act shall take effect on the sixtieth day after it shall
20 have become a law.