

1883--A

2011-2012 Regular Sessions

I N   S E N A T E

January 13, 2011

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Introduced by Sens. FLANAGAN, BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to requiring health insurance policies to cover comprehensive ultrasound screening, magnetic resonance imaging and/or other screening tests 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

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

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1 AND 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, DEPENDING ON YOUR INDIVIDUAL RISK FACTORS AND THE RECOMMENDATION  
6 OF YOUR INTERPRETING PHYSICIAN. A REPORT OF YOUR MAMMOGRAPHY RESULTS,  
7 WHICH CONTAINS INFORMATION ABOUT YOUR BREAST DENSITY, HAS BEEN SENT TO  
8 YOUR TREATING PHYSICIAN'S OFFICE AND YOU SHOULD CONTACT YOUR TREATING  
9 PHYSICIAN IF YOU HAVE ANY QUESTIONS OR CONCERNS ABOUT YOUR REPORT."

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

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

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

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

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

27 (III) EACH MAMMOGRAPHY REPORT PROVIDED TO A PATIENT SHALL INCLUDE  
28 INFORMATION ABOUT BREAST DENSITY, BASED ON THE BREAST IMAGING REPORTING  
29 AND DATA SYSTEM ESTABLISHED BY THE AMERICAN COLLEGE OF RADIOLOGY. WHERE  
30 APPLICABLE, SUCH REPORT SHALL INCLUDE THE FOLLOWING NOTICE: "IF YOUR  
31 MAMMOGRAM DEMONSTRATES THAT YOU HAVE DENSE BREAST TISSUE, WHICH COULD  
32 HIDE SMALL ABNORMALITIES, YOU MIGHT BENEFIT FROM SUPPLEMENTARY SCREENING  
33 TESTS, DEPENDING ON YOUR INDIVIDUAL RISK FACTORS AND THE RECOMMENDATION  
34 OF YOUR INTERPRETING PHYSICIAN. A REPORT OF YOUR MAMMOGRAPHY RESULTS,  
35 WHICH CONTAINS INFORMATION ABOUT YOUR BREAST DENSITY, HAS BEEN SENT TO  
36 YOUR TREATING PHYSICIAN'S OFFICE AND YOU SHOULD CONTACT YOUR TREATING  
37 PHYSICIAN IF YOU HAVE ANY QUESTIONS OR CONCERNS ABOUT YOUR 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, DEPENDING ON YOUR INDIVIDUAL RISK FACTORS AND THE RECOMMENDATION  
6 OF YOUR INTERPRETING PHYSICIAN. A REPORT OF YOUR MAMMOGRAPHY RESULTS,  
7 WHICH CONTAINS INFORMATION ABOUT YOUR BREAST DENSITY, HAS BEEN SENT TO  
8 YOUR TREATING PHYSICIAN'S OFFICE AND YOU SHOULD CONTACT YOUR TREATING  
9 PHYSICIAN IF YOU HAVE ANY QUESTIONS OR CONCERNS ABOUT YOUR REPORT."  
10 S 4. Paragraph 7 of subsection (d) of section 4326 of the insurance  
11 law, as added by chapter 1 of the laws of 1999, is amended to read as  
12 follows:  
13 (7) adult preventive health services consisting of mammography screen-  
14 ing, AS PROVIDED IN SUBSECTION (P) OF SECTION FOUR THOUSAND THREE  
15 HUNDRED THREE OF THIS ARTICLE; cervical cytology screening; periodic  
16 physical examinations no more than once every three years; and adult  
17 immunizations;  
18 S 5. This act shall take effect on the sixtieth day after it shall  
19 have become a law.