

8488

I N   S E N A T E

September 15, 2010

---

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

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 AND/OR MAGNETIC RESONANCE IMAGING (MRI) OF AN  
6     ENTIRE BREAST OR THE ENTIRETY OF BOTH BREASTS IF:  
7     (I) A MAMMOGRAM DEMONSTRATES HETEROGENEOUS OR DENSE BREAST TISSUE  
8     BASED ON THE BREAST IMAGING REPORTING AND DATA SYSTEM ESTABLISHED BY THE  
9     AMERICAN COLLEGE OF RADIOLOGY; OR  
10    (II) A WOMAN IS BELIEVED TO BE AT INCREASED RISK FOR BREAST CANCER DUE  
11    TO FAMILY HISTORY OR PRIOR PERSONAL HISTORY OF BREAST CANCER, POSITIVE  
12    GENETIC TESTING OR OTHER INDICATIONS AS DETERMINED BY SUCH WOMAN'S  
13    PHYSICIAN OR NURSE PRACTITIONER.  
14    (II) SUCH ADDITIONAL COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND  
15    COINSURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS  
16    ARE CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN  
17    POLICY.  
18    (III) EACH MAMMOGRAPHY REPORT PROVIDED TO A PATIENT SHALL INCLUDE  
19    INFORMATION ABOUT BREAST DENSITY, BASED ON THE BREAST IMAGING REPORTING  
20    AND DATA SYSTEM ESTABLISHED BY THE AMERICAN COLLEGE OF RADIOLOGY. WHERE  
21    APPLICABLE, SUCH REPORT SHALL INCLUDE THE FOLLOWING NOTICE: "IF YOUR  
22    MAMMOGRAM DEMONSTRATES THAT YOU HAVE DENSE BREAST TISSUE, WHICH COULD  
23    HIDE SMALL ABNORMALITIES, YOU MIGHT BENEFIT FROM SUPPLEMENTARY SCREENING  
24    TESTS, WHICH CAN INCLUDE A BREAST ULTRASOUND SCREENING OR A BREAST MRI  
25    EXAMINATION, OR BOTH, DEPENDING ON YOUR INDIVIDUAL RISK FACTORS. A

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

LBD18056-05-0

1 REPORT OF YOUR MAMMOGRAPHY RESULTS, WHICH CONTAINS INFORMATION ABOUT  
2 YOUR BREAST DENSITY, HAS BEEN SENT TO YOUR PHYSICIAN'S OFFICE AND YOU  
3 SHOULD CONTACT YOUR PHYSICIAN IF YOU HAVE ANY QUESTIONS OR CONCERNS  
4 ABOUT THIS REPORT."

5 S 2. Paragraph 11 of subsection (1) of section 3221 of the insurance  
6 law is amended by adding a new subparagraph (D) to read as follows:

7 (D) (I) SUCH POLICY SHALL PROVIDE ADDITIONAL COVERAGE FOR COMPREHEN-  
8 SIVE ULTRASOUND SCREENING AND/OR MAGNETIC RESONANCE IMAGING (MRI) OF AN  
9 ENTIRE BREAST OR THE ENTIRETY OF BOTH BREASTS IF:

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

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

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

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

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

35 (4) (A) SUCH COVERAGE SHALL PROVIDE ADDITIONAL COVERAGE FOR COMPREHEN-  
36 SIVE ULTRASOUND SCREENING AND/OR MAGNETIC RESONANCE IMAGING (MRI) OF AN  
37 ENTIRE BREAST OR THE ENTIRETY OF BOTH BREASTS IF:

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

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

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

49 (B) EACH MAMMOGRAPHY REPORT PROVIDED TO A PATIENT SHALL INCLUDE INFOR-  
50 MATION ABOUT BREAST DENSITY, BASED ON THE BREAST IMAGING REPORTING AND  
51 DATA SYSTEM ESTABLISHED BY THE AMERICAN COLLEGE OF RADIOLOGY. WHERE  
52 APPLICABLE, SUCH REPORT SHALL INCLUDE THE FOLLOWING NOTICE: "IF YOUR  
53 MAMMOGRAM DEMONSTRATES THAT YOU HAVE DENSE BREAST TISSUE, WHICH COULD  
54 HIDE SMALL ABNORMALITIES, YOU MIGHT BENEFIT FROM SUPPLEMENTARY SCREENING  
55 TESTS, WHICH CAN INCLUDE A BREAST ULTRASOUND SCREENING OR A BREAST MRI  
56 EXAMINATION, OR BOTH, DEPENDING ON YOUR INDIVIDUAL RISK FACTORS. A

1 REPORT OF YOUR MAMMOGRAPHY RESULTS, WHICH CONTAINS INFORMATION ABOUT  
2 YOUR BREAST DENSITY, HAS BEEN SENT TO YOUR PHYSICIAN'S OFFICE AND YOU  
3 SHOULD CONTACT YOUR PHYSICIAN IF YOU HAVE ANY QUESTIONS OR CONCERNS  
4 ABOUT THIS REPORT."

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

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

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