S T A T E O F N E W Y O R K

1431--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 7, 2011

Introduced by M. of A. PHEFFER, MILLMAN, THIELE, CYMBROWITZ, COLTON, M. MILLER, LANCMAN, WEISENBERG, PAULIN, TITONE, ORTIZ, HOOPER, MAYERSOHN, MAGNARELLI, SCARBOROUGH -- Multi-Sponsored by -- M. of A. BOYLAND, DenDEKKER, GLICK, GUNTHER, JAFFEE, MARKEY, McENENY, O'DONNELL, P. RIVERA, RUSSELL, SWEENEY, WEPRIN -- read once and referred 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:

Section 1. Paragraph 11 of subsection (i) of section 3216 of the insurance law is amended by adding a new subparagraph (D) to read as follows:

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

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

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

(II) SUCH ADDITIONAL COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND AS

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

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ARE CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN POLICY.

(III) EACH MAMMOGRAPHY REPORT PROVIDED TO A PATIENT SHALL INCLUDE INFORMATION ABOUT BREAST DENSITY, BASED ON THE BREAST IMAGING REPORTING AND DATA SYSTEM ESTABLISHED BY THE AMERICAN COLLEGE OF RADIOLOGY. WHERE APPLICABLE, SUCH REPORT SHALL INCLUDE THE FOLLOWING NOTICE: "IF YOUR MAMMOGRAM DEMONSTRATES THAT YOU HAVE DENSE BREAST TISSUE, WHICH COULD HIDE SMALL ABNORMALITIES, YOU MIGHT BENEFIT FROM SUPPLEMENTARY SCREENING TESTS, DEPENDING ON YOUR INDIVIDUAL RISK FACTORS AND THE RECOMMENDATION OF YOUR INTERPRETING PHYSICIAN. A REPORT OF YOUR MAMMOGRAPHY RESULTS, WHICH CONTAINS INFORMATION ABOUT YOUR BREAST DENSITY, HAS BEEN SENT TO YOUR TREATING PHYSICIAN'S OFFICE AND YOU SHOULD CONTACT YOUR TREATING PHYSICIAN IF YOU HAVE ANY QUESTIONS OR CONCERNS ABOUT YOUR REPORT."

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

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

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

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

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

(III) EACH MAMMOGRAPHY REPORT PROVIDED TO A PATIENT SHALL INCLUDE INFORMATION ABOUT BREAST DENSITY, BASED ON THE BREAST IMAGING REPORTING AND DATA SYSTEM ESTABLISHED BY THE AMERICAN COLLEGE OF RADIOLOGY. WHERE APPLICABLE, SUCH REPORT SHALL INCLUDE THE FOLLOWING NOTICE: "IF YOUR MAMMOGRAM DEMONSTRATES THAT YOU HAVE DENSE BREAST TISSUE, WHICH COULD HIDE SMALL ABNORMALITIES, YOU MIGHT BENEFIT FROM SUPPLEMENTARY SCREENING TESTS, DEPENDING ON YOUR INDIVIDUAL RISK FACTORS AND THE RECOMMENDATION OF YOUR INTERPRETING PHYSICIAN. A REPORT OF YOUR MAMMOGRAPHY RESULTS, WHICH CONTAINS INFORMATION ABOUT YOUR BREAST DENSITY, HAS BEEN SENT TO YOUR TREATING PHYSICIAN'S OFFICE AND YOU SHOULD CONTACT YOUR TREATING PHYSICIAN IF YOU HAVE ANY QUESTIONS OR CONCERNS ABOUT YOUR REPORT."

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

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

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

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

THE ADDITIONAL COVERAGE REQUIRED IN THIS SUBPARAGRAPH MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND COINSURANCE AS MAY BE DEEMED APPROPRIATE BY

THE SUPERINTENDENT AND AS ARE CONSISTENT WITH THOSE ESTABLISHED FOR OTHER BENEFITS WITHIN A GIVEN POLICY.

(B) EACH MAMMOGRAPHY REPORT PROVIDED TO A PATIENT SHALL INCLUDE INFORMATION ABOUT BREAST DENSITY, BASED ON THE BREAST IMAGING REPORTING AND DATA SYSTEM ESTABLISHED BY THE AMERICAN COLLEGE OF RADIOLOGY. WHERE APPLICABLE, SUCH REPORT SHALL INCLUDE THE FOLLOWING NOTICE: "IF YOUR MAMMOGRAM DEMONSTRATES THAT YOU HAVE DENSE BREAST TISSUE, WHICH COULD HIDE SMALL ABNORMALITIES, YOU MIGHT BENEFIT FROM SUPPLEMENTARY SCREENING TESTS, DEPENDING ON YOUR INDIVIDUAL RISK FACTORS AND THE RECOMMENDATION OF YOUR INTERPRETING PHYSICIAN. A REPORT OF YOUR MAMMOGRAPHY RESULTS, WHICH CONTAINS INFORMATION ABOUT YOUR BREAST DENSITY, HAS BEEN SENT TO YOUR TREATING PHYSICIAN'S OFFICE AND YOU SHOULD CONTACT YOUR TREATING PHYSICIAN IF YOU HAVE ANY QUESTIONS OR CONCERNS ABOUT YOUR REPORT."

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

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

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