

# STATE OF NEW YORK

5677

2017-2018 Regular Sessions

## IN ASSEMBLY

February 14, 2017

Introduced by M. of A. SEAWRIGHT, BRINDISI -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to health insurance coverage for mammography by breast tomosynthesis

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraphs (A) and (C) of paragraph (11) of subsection  
2 (i) of section 3216 of the insurance law, as amended by chapter 219 of  
3 the laws of 2011, are amended to read as follows:

4 (A) Every policy that provides coverage for hospital, surgical or  
5 medical care shall provide the following coverage for mammography  
6 screening for occult breast cancer:

7 (i) upon the recommendation of a physician, a mammogram, which may be  
8 provided by breast tomosynthesis, at any age for covered persons having  
9 a prior history of breast cancer or who have a first degree relative  
10 with a prior history of breast cancer;

11 (ii) a single baseline mammogram, which may be provided by breast  
12 tomosynthesis, for covered persons aged thirty-five through thirty-nine,  
13 inclusive; and

14 (iii) an annual mammogram, which may be provided by breast tomosynthe-  
15 sis, for covered persons aged forty and older.

16 (C) For purposes of subparagraphs (A) and (B) of this paragraph,  
17 mammography screening means an X-ray examination of the breast using  
18 dedicated equipment, including X-ray tube, filter, compression device,  
19 screens, films and cassettes, with an average glandular radiation dose  
20 less than 0.5 rem per view per breast; provided, however, that mammo-  
21 graphy screening shall also include breast tomosynthesis.

22 § 2. Subparagraphs (A) and (C) of paragraph (11) of subsection (1) of  
23 section 3221 of the insurance law, as amended by chapter 219 of the laws  
24 of 2011, are amended to read as follows:

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

LBD07634-01-7

1 (A) Every insurer delivering a group or blanket policy or issuing a  
2 group or blanket policy for delivery in this state that provides cover-  
3 age for hospital, surgical or medical care shall provide the following  
4 coverage for mammography screening for occult breast cancer:

5 (i) upon the recommendation of a physician, a mammogram, which may be  
6 provided by breast tomosynthesis, at any age for covered persons having  
7 a prior history of breast cancer or who have a first degree relative  
8 with a prior history of breast cancer;

9 (ii) a single baseline mammogram, which may be provided by breast  
10 tomosynthesis, for covered persons aged thirty-five through thirty-nine,  
11 inclusive; and

12 (iii) an annual mammogram, which may be provided by breast tomosynthe-  
13 sis, for covered persons aged forty and older.

14 (C) For purposes of subparagraphs (A) and (B) of this paragraph,  
15 mammography screening means an X-ray examination of the breast using  
16 dedicated equipment, including X-ray tube, filter, compression device,  
17 screens, films and cassettes, with an average glandular radiation dose  
18 less than 0.5 rem per view per breast; provided, however, that mammo-  
19 graphy screening shall also include breast tomosynthesis.

20 § 3. Subparagraphs (A), (B) and (C) of paragraph (1) of subsection (p)  
21 of section 4303 of the insurance law, as amended by chapter 219 of the  
22 laws of 2011, are amended to read as follows:

23 (A) upon the recommendation of a physician, a mammogram, which may be  
24 provided by breast tomosynthesis, at any age for covered persons having  
25 a prior history of breast cancer or who have a first degree relative  
26 with a prior history of breast cancer;

27 (B) a single baseline mammogram, which may be provided by breast tomo-  
28 synthesis, for covered persons aged thirty-five through thirty-nine,  
29 inclusive; and

30 (C) an annual mammogram, which may be provided by breast tomosynthesis,  
31 for covered persons aged forty and older.

32 § 4. Paragraph (2) of subsection (p) of section 4303 of the insurance  
33 law, as amended by chapter 219 of the laws of 2011, is amended to read  
34 as follows:

35 (2) For purposes of paragraph one of this subsection, mammography  
36 screening means an X-ray examination of the breast using dedicated  
37 equipment, including X-ray tube, filter, compression device, screens,  
38 films and cassettes, with an average glandular radiation dose less than  
39 0.5 rem per view per breast; provided, however, that mammography screen-  
40 ing shall also include breast tomosynthesis.

41 § 5. This act shall take effect on the sixtieth day after it shall  
42 have become a law and shall apply to all policies and contracts issued,  
43 renewed, modified, altered or amended on or after such date.