

STATE OF NEW YORK

8156

IN SENATE

January 26, 2022

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

AN ACT to amend the insurance law and the social services law, in relation to requiring certain insurance policies and Medicaid to allow patients a one hundred twenty-day window for additional breast exams when the provider deems another breast exam is needed

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

1 Section 1. Subparagraph (A) of paragraph 11 of subsection (i) of
2 section 3216 of the insurance law, as amended by chapter 414 of the laws
3 of 2017, is 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~~] where a provider,
8 licensed to issue prescriptions pursuant to section sixty-five hundred
9 twenty-two of the education law, assessed the risk and then makes a
10 recommendation for an additional screening including mammogram, a mammo-
11 gram, which may be provided by breast tomosynthesis, at any age for
12 covered persons having a prior history of breast cancer or dense breast
13 or who have a first degree relative with a prior history of breast
14 cancer or dense breast;

15 (ii) a single baseline mammogram, which may be provided by breast
16 tomosynthesis, for covered persons aged thirty-five through thirty-nine,
17 inclusive; ~~and~~

18 (iii) an annual mammogram, which may be provided by breast tomosynthe-
19 sis, for covered persons aged forty and older; ~~and~~

20 (iv) an additional screening including mammogram, which may be
21 provided by breast tomosynthesis, for covered persons whose mammogram,
22 which occurred in the previous one hundred twenty days, showed abnor-
23 malities due to dense breast or the provider deems another mammogram is
24 needed.

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

LBD13334-05-2

1 § 2. Subparagraph (A) of paragraph 11 of subsection (1) of section
2 3221 of the insurance law, as amended by chapter 143 of the laws of
3 2019, is amended to read as follows:

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

8 (i) [~~upon the recommendation of a physician~~] where a provider,
9 licensed to issue prescriptions pursuant to section sixty-five hundred
10 twenty-two of the education law, assessed the risk and then makes a
11 recommendation for an additional screening including mammogram, a mammo-
12 gram, which may be provided by breast tomosynthesis, at any age for
13 covered persons having a prior history of breast cancer or dense breast
14 or who have a first degree relative with a prior history of breast
15 cancer or dense breast;

16 (ii) a single baseline mammogram, which may be provided by breast
17 tomosynthesis, for covered persons aged thirty-five through thirty-nine,
18 inclusive;

19 (iii) an annual mammogram, which may be provided by breast tomosynthe-
20 sis, for covered persons aged forty and older; [~~and~~]

21 (iv) for large group policies that provide coverage for hospital,
22 surgical or medical care, an annual mammogram for covered persons aged
23 thirty-five through thirty-nine, inclusive, [~~upon the recommendation of~~
24 ~~a physician~~] where a provider, licensed to issue prescriptions pursuant
25 to section sixty-five hundred twenty-two of the education law, assessed
26 the risk and then makes a recommendation for an additional screening
27 including mammogram, subject to the insurer's determination that the
28 mammogram is medically necessary; and

29 (v) an additional screening including mammogram, which may be provided
30 by breast tomosynthesis, for covered persons whose mammogram, which
31 occurred in the previous one hundred twenty days, showed abnormalities
32 due to dense breast or the provider deems another mammogram is needed.

33 § 3. Subparagraph (E) of paragraph 1 of subsection (p) of section 4303
34 of the insurance law, as amended by chapter 143 of the laws of 2019, is
35 amended to read as follows:

36 (E) an additional screening including mammogram, which may be provided
37 by breast tomosynthesis, for covered persons whose mammogram, which
38 occurred in the previous one hundred twenty days, showed abnormalities
39 due to dense breast or the provider deems another mammogram is needed.

40 (F) The coverage required in this paragraph or paragraph two of this
41 subsection shall not be subject to annual deductibles or coinsurance.

42 § 4. Subdivision 2 of section 365-a of the social services law is
43 amended by adding a new paragraph (jj) to read as follows:

44 (jj) a mammogram, which may be provided by breast tomosynthesis, for
45 covered persons whose mammogram, which occurred in the previous one
46 hundred twenty days, showed abnormalities due to dense breast or the
47 provider deems another mammogram is needed.

48 § 5. This act shall take effect on the thirtieth day after it shall
49 have become a law, and shall apply to policies and contracts issued,
50 renewed, modified, altered or amended on or after such effective date.