

STATE OF NEW YORK

2465

2023-2024 Regular Sessions

IN SENATE

January 20, 2023

Introduced by Sens. PERSAUD, JACKSON, KENNEDY, MYRIE, PALUMBO, SEPULVEDA
-- 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 Assem-
bly, 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-

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

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1 malities due to dense breast or the provider deems another mammogram is
2 needed.

3 § 2. Subparagraph (A) of paragraph 11 of subsection (1) of section
4 3221 of the insurance law, as amended by chapter 143 of the laws of
5 2019, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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