

# STATE OF NEW YORK

2465--B

2023-2024 Regular Sessions

## IN SENATE

January 20, 2023

Introduced by Sens. PERSAUD, CHU, JACKSON, MYRIE, PALUMBO, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to requiring certain insurance policies allow patients additional screenings for breast cancer when the provider deems such screening is necessary under nationally recognized clinical practice guidelines

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, 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; and  
16 (iv) upon the recommendation of a physician, screening and diagnostic  
17 imaging, including diagnostic mammograms, breast ultrasounds, or magnet-

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

LBD02639-09-4

1 ic resonance imaging, recommended by nationally recognized clinical  
2 practice guidelines for the detection of breast cancer. For the purposes  
3 of this item, "nationally recognized clinical practice guidelines" means  
4 evidence-based clinical practice guidelines informed by a systematic  
5 review of evidence and an assessment of the benefits, and risks of  
6 alternative care options intended to optimize patient care developed by  
7 independent organizations or medical professional societies utilizing a  
8 transparent methodology and reporting structure and with a conflict of  
9 interest policy.

10 § 2. Subparagraph (A) of paragraph 11 of subsection (1) of section  
11 3221 of the insurance law, as amended by chapter 143 of the laws of  
12 2019, is amended to read as follows:

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

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

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

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

26 (iv) for large group policies that provide coverage for hospital,  
27 surgical or medical care, an annual mammogram for covered persons aged  
28 thirty-five through thirty-nine, inclusive, upon the recommendation of a  
29 physician, subject to the insurer's determination that the mammogram is  
30 medically necessary; and

31 (v) upon the recommendation of a physician, screening and diagnostic  
32 imaging, including diagnostic mammograms, breast ultrasounds, or magnet-  
33 ic resonance imaging, recommended by nationally recognized clinical  
34 practice guidelines for the detection of breast cancer. For the purposes  
35 of this item, "nationally recognized clinical practice guidelines" means  
36 evidence-based clinical practice guidelines informed by a systematic  
37 review of evidence and an assessment of the benefits, and risks of  
38 alternative care options intended to optimize patient care developed by  
39 independent organizations or medical professional societies utilizing a  
40 transparent methodology and reporting structure and with a conflict of  
41 interest policy.

42 § 3. Paragraph 1 of subsection (p) of section 4303 of the insurance  
43 law, as amended by chapter 219 of the laws of 2011, subparagraph (A) as  
44 amended by chapter 414 of the laws of 2017, and subparagraphs (B), (C),  
45 (D), and (E) as amended by chapter 143 of the laws of 2019, is amended  
46 to read as follows:

47 (1) A medical expense indemnity corporation, a hospital service corpo-  
48 ration or a health service corporation that provides coverage for hospi-  
49 tal, surgical or medical care shall provide the following coverage for  
50 mammography screening for occult breast cancer:

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

1 (B) a single baseline mammogram, which may be provided by breast tomo-  
2 synthesis, for covered persons aged thirty-five through thirty-nine,  
3 inclusive;

4 (C) an annual mammogram, which may be provided by breast tomosynthesis,  
5 for covered persons aged forty and older;

6 (D) for large group contracts offered by a medical expense indemnity  
7 corporation, a hospital service corporation or a health service corpo-  
8 ration that provide coverage for hospital, surgical or medical care, an  
9 annual mammogram for covered persons aged thirty-five through thirty-  
10 nine, inclusive, upon the recommendation of a physician, subject to the  
11 corporation's determination that the mammogram is medically necessary;

12 [~~and~~]

13 (E) upon the recommendation of a physician, screening and diagnostic  
14 imaging, including diagnostic mammograms, breast ultrasounds, or magnet-  
15 ic resonance imaging, recommended by nationally recognized clinical  
16 practice guidelines for the detection of breast cancer. For the purposes  
17 of this subparagraph, "nationally recognized clinical practice guide-  
18 lines" means evidence-based clinical practice guidelines informed by a  
19 systematic review of evidence and an assessment of the benefits, and  
20 risks of alternative care options intended to optimize patient care  
21 developed by independent organizations or medical professional societies  
22 utilizing a transparent methodology and reporting structure and with a  
23 conflict of interest policy; and

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

26 § 4. This act shall take effect January 1, 2026 and shall apply to  
27 all policies and contracts issued, renewed, modified, altered or amended  
28 on or after such date.