

# STATE OF NEW YORK

1696

2023-2024 Regular Sessions

## IN ASSEMBLY

January 17, 2023

Introduced by M. of A. HUNTER -- read once and referred 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-

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

LBD02639-01-3

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.