

# STATE OF NEW YORK

1696--B

2023-2024 Regular Sessions

## IN ASSEMBLY

January 17, 2023

Introduced by M. of A. HUNTER, RAGA -- read once and referred to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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-  
18 ic resonance imaging, recommended by nationally recognized clinical  
19 practice guidelines for the detection of breast cancer. For the purposes

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

LBD02639-08-4

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

8 § 2. Subparagraph (A) of paragraph 11 of subsection (1) of section  
9 3221 of the insurance law, as amended by chapter 143 of the laws of  
10 2019, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

9 [~~and~~]

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

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

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