A BILL FOR AN ACT

RELATING TO BREAST CANCER SCREENING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 431:10A-116, Hawaii Revised Statutes, is amended to read as follows:

"§431:10A-116 Coverage for specific services. Every person insured under a policy of accident and health or sickness insurance delivered or issued for delivery in this State shall be entitled to the reimbursements and coverages specified below:

(1) Notwithstanding any provision to the contrary, whenever a policy, contract, plan, or agreement provides for reimbursement for any visual or optometric service, which is within the lawful scope of practice of a duly licensed optometrist, the person entitled to benefits or the person performing the services shall be entitled to reimbursement whether the service is performed by a licensed physician or by a licensed optometrist. Visual or optometric services shall include eye or visual examination, or both, or a correction of any visual or muscular anomaly, and the
supplying of ophthalmic materials, lenses, contact
lenses, spectacles, eyeglasses, and appurtenances
thereto;

(2) Notwithstanding any provision to the contrary, for all
policies, contracts, plans, or agreements issued on or
after May 30, 1974, whenever provision is made for
reimbursement or indemnity for any service related to
surgical or emergency procedures, which is within the
lawful scope of practice of any practitioner licensed
to practice medicine in this State, reimbursement or
indemnification under the policy, contract, plan, or
agreement shall not be denied when the services are
performed by a dentist acting within the lawful scope
of the dentist's license;

(3) Notwithstanding any provision to the contrary,
whenever the policy provides reimbursement or payment
for any service, which is within the lawful scope of
practice of a psychologist licensed in this State, the
person entitled to benefits or performing the service
shall be entitled to reimbursement or payment, whether
the service is performed by a licensed physician or licensed psychologist;

(4) Notwithstanding any provision to the contrary, each policy, contract, plan, or agreement issued on or after February 1, 1991, except for policies that only provide coverage for specified diseases or other limited benefit coverage, but including policies issued by companies subject to chapter 431, article 10A, part II and chapter 432, article 1 shall provide coverage for screening by low-dose mammography for occult breast cancer as follows:

(A) For women forty years of age and older, an annual mammogram; and

(B) For a woman of any age with a history of breast cancer or whose mother or sister has had a history of breast cancer, a mammogram upon the recommendation of the woman's physician.

The services provided in this paragraph are subject to any coinsurance provisions that may be in force in these policies, contracts, plans, or agreements.
For the purpose of this paragraph, the term "low-dose mammography" means the x-ray examination of the breast using equipment dedicated specifically for mammography, including but not limited to the x-ray tube, filter, compression device, screens, films, and cassettes, with an average radiation exposure delivery of less than one rad mid-breast, with two views for each breast. An insurer may provide the services required by this paragraph through contracts with providers; provided that the contract is determined to be a cost-effective means of delivering the services without sacrifice of quality and meets the approval of the director of health;

(5) Notwithstanding any provision to the contrary, each policy, contract, plan, or agreement issued on or after January 1, 2021, except for policies that only provide coverage for specified diseases or other limited benefit coverage, but including policies issued by companies subject to chapter 431, article 10A, part II and chapter 432, article 1 shall provide coverage for 3-D mammography imaging for breast cancer.
patients every three months, or as recommended by the
patient's physician. For the purposes of this
section, "3-D mammography imaging" means breast
tomosynthesis, a radiologic procedure that involves
the acquisition of a projection of images over the
stationary breast to produce cross-sectional digital
three-dimensional images of the breast.

Notwithstanding any provision to the
contrary, whenever a policy, contract, plan,
or agreement provides coverage for the
children of the insured, that coverage shall
also extend to the date of birth of any
newborn child to be adopted by the insured;
provided that the insured gives written
notice to the insurer of the insured's
intent to adopt the child prior to the
child's date of birth or within thirty days
after the child's birth or within the time
period required for enrollment of a natural
born child under the policy, contract, plan,
or agreement of the insured, whichever
period is longer; provided further that if
the adoption proceedings are not successful,
the insured shall reimburse the insurer for
any expenses paid for the child; and
(ii) Where notification has not been received by
the insurer prior to the child's birth or
within the specified period following the
child's birth, insurance coverage shall be
effective from the first day following the
insurer's receipt of legal notification of
the insured's ability to consent for
treatment of the infant for whom coverage is
sought; and
(B) When the insured is a member of a health
maintenance organization (HMO), coverage of an
adopted newborn is effective:
(i) From the date of birth of the adopted
newborn when the newborn is treated from
birth pursuant to a provider contract with
the health maintenance organization, and
written notice of enrollment in accord with
the health maintenance organization's usual
enrollment process is provided within thirty
days of the date the insured notifies the
health maintenance organization of the
insured's intent to adopt the infant for
whom coverage is sought; or

(ii) From the first day following receipt by the
health maintenance organization of written
notice of the insured's ability to consent
for treatment of the infant for whom
coverage is sought and enrollment of the
adopted newborn in accord with the health
maintenance organization's usual enrollment
process if the newborn has been treated from
birth by a provider not contracting or
affiliated with the health maintenance
organization; and

Notwithstanding any provision to the contrary,
any policy, contract, plan, or agreement issued or
renewed in this State shall provide reimbursement for
services provided by advanced practice registered
nurses licensed pursuant to chapter 457. Services rendered by advanced practice registered nurses are subject to the same policy limitations generally applicable to health care providers within the policy, contract, plan, or agreement."

SECTION 2. Chapter 432, article 1, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"$432:1 3-D imaging; breast cancer patients.

Notwithstanding any provision to the contrary, each policy, contract, plan, or agreement issued on or after January 1, 2021, except for policies that only provide coverage for specified diseases or other limited benefit coverage, but including policies issued by companies subject to chapter 431, article 10A, part II and chapter 432, article 1 shall provide coverage for 3-D mammography imaging for breast cancer patients every three months, or as recommended by the patient's physician. For the purposes of this section, "3-D mammography imaging" means breast tomosynthesis, a radiologic procedure that involves the acquisition of a projection of images over the stationary breast
to produce cross-sectional digital three-dimensional images of the breast."

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect on January 1, 2020.

INTRODUCED BY:

JAN 18 2019
Report Title:
Breast Cancer Screening; Health Care Coverage; Specific Mandated Benefits

Description:
Requires health insurance plans to cover 3D mammograms for cancer patients.

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