

JAN 19 2023

A BILL FOR AN ACT

RELATING TO BREAST CANCER SCREENING.

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

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

3 "**§431:10A-116 Coverage for specific services.** Every
4 person insured under a policy of accident and health or sickness
5 insurance delivered or issued for delivery in this State shall
6 be entitled to the reimbursements and coverages specified below:

7 (1) Notwithstanding any provision to the contrary,
8 whenever a policy, contract, plan, or agreement
9 provides for reimbursement for any visual or
10 optometric service[~~which~~] that is within the lawful
11 scope of practice of a duly licensed optometrist, the
12 person entitled to benefits or the person performing
13 the [~~services~~] service shall be entitled to
14 reimbursement whether the service is performed by a
15 licensed physician or by a licensed optometrist.
16 Visual or optometric services shall include eye or
17 visual examination, or both, or a correction of any



1 visual or muscular anomaly, and the supplying of
2 ophthalmic materials, lenses, contact lenses,
3 spectacles, eyeglasses, and appurtenances thereto;

4 (2) Notwithstanding any provision to the contrary, for all
5 policies, contracts, plans, or agreements issued on or
6 after May 30, 1974, whenever provision is made for
7 reimbursement or indemnity for any service related to
8 a surgical or emergency [procedures, which] procedure
9 that is within the lawful scope of practice of any
10 practitioner licensed to practice medicine in this
11 State, reimbursement or indemnification under the
12 policy, contract, plan, or agreement shall not be
13 denied when the [~~services are~~] service is performed by
14 a dentist acting within the lawful scope of the
15 dentist's license;

16 (3) Notwithstanding any provision to the contrary,
17 whenever the policy provides reimbursement or payment
18 for any service[~~, which~~] that is within the lawful
19 scope of practice of a psychologist licensed in this
20 State, the person entitled to benefits or performing
21 the service shall be entitled to reimbursement or



1 payment, whether the service is performed by a
2 licensed physician or licensed psychologist;

3 (4) Notwithstanding any provision to the contrary, each
4 policy, contract, plan, or agreement issued on or
5 after February 1, 1991, except for policies that only
6 provide coverage for specified diseases or other
7 limited benefit coverage, but including policies
8 issued by companies subject to chapter 431, article
9 10A, part II and chapter 432, article 1 shall provide
10 coverage for screening by low-dose mammography for
11 occult breast cancer as follows:

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

14 (B) For a woman of any age [~~with~~] having an
15 above-average risk of developing breast cancer as
16 determined by the use of a risk-factor modeling
17 tool, a history of breast cancer, or whose mother
18 or sister has had a history of breast cancer, [a]
19 an annual mammogram [~~upon the recommendation of~~
20 ~~the woman's physician~~].



1 The services provided in this paragraph are
2 subject to any coinsurance provisions that may be in
3 force in these policies, contracts, plans, or
4 agreements.

5 For [~~the purpose~~] purposes of this paragraph,
6 [~~the term~~] "low-dose mammography" means the x-ray
7 examination of the breast using equipment dedicated
8 specifically for mammography, including [~~but not~~
9 ~~limited to~~] the x-ray tube, filter, compression
10 device, screens, films, and cassettes, with an average
11 radiation exposure delivery of less than one rad mid-
12 breast, with two views for each breast. An insurer
13 may provide the services required by this paragraph
14 through contracts with providers; provided that the
15 contract is determined to be a cost-effective means of
16 delivering the services without sacrifice of quality
17 and meets the approval of the director of health;
18 [and]

19 (5) Notwithstanding any provision to the contrary, each
20 policy, contract, plan, or agreement issued on or
21 before January 1, 2024, except for policies that only



1 provide coverage for specified diseases or other
2 limited benefit coverage, but including policies
3 issued by companies subject to chapter 431,
4 article 10A, part II and chapter 432, article I, shall
5 provide additional breast cancer screening coverage as
6 follows:

7 (A) For women thirty years of age and older, a formal
8 risk factor screening assessment informed by any
9 available risk factor modeling tool; and

10 (B) For a woman of any age, any additional
11 supplemental imaging deemed necessary by an
12 applicable American College of Radiology
13 guideline, including breast magnetic resonance
14 imaging, ultrasound, or digital breast
15 tomosynthesis.

16 For purposes of this paragraph, "digital breast
17 tomosynthesis" means a radiologic procedure that
18 involves the acquisition of a projection of images
19 over the stationary breast to produce cross-sectional,
20 digital, three-dimensional images of the breast; and



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1 ~~[(5)]~~ (6) (A) (i) Notwithstanding any provision to the
2 contrary, whenever a policy, contract, plan,
3 or agreement provides coverage for the
4 children of the insured, that coverage shall
5 also extend to the date of birth of any
6 newborn child to be adopted by the insured;
7 provided that the insured ~~[gives]~~ shall give
8 written notice to the insurer of the
9 insured's intent to adopt the child prior to
10 the child's date of birth or within thirty
11 days after the child's birth or within the
12 time period required for enrollment of a
13 natural born child under the policy,
14 contract, plan, or agreement of the insured,
15 whichever period is longer; provided further
16 that if the adoption proceedings are not
17 successful, the insured shall reimburse the
18 insurer for any expenses paid for the child;
19 and
20 (ii) Where notification has not been received by
21 the insurer prior to the child's birth or



1 within the specified period following the
2 child's birth, insurance coverage shall be
3 effective from the first day following the
4 insurer's receipt of legal notification of
5 the insured's ability to consent for
6 treatment of the infant for whom coverage is
7 sought; and

8 (B) When the insured is a member of a health
9 maintenance organization, coverage of an adopted
10 newborn is effective:

11 (i) From the date of birth of the adopted
12 newborn when the newborn is treated from
13 birth pursuant to a provider contract with
14 the health maintenance organization, and
15 written notice of enrollment in accord with
16 the health maintenance organization's usual
17 enrollment process is provided within thirty
18 days of the date the insured notifies the
19 health maintenance organization of the
20 insured's intent to adopt the infant for
21 whom coverage is sought; or



1 (ii) From the first day following receipt by the
 2 health maintenance organization of written
 3 notice of the insured's ability to consent
 4 for treatment of the infant for whom
 5 coverage is sought and enrollment of the
 6 adopted newborn in accord with the health
 7 maintenance organization's usual enrollment
 8 process if the newborn has been treated from
 9 birth by a provider not contracting or
 10 affiliated with the health maintenance
 11 organization."

12 SECTION 2. Section 432:1-605, Hawaii Revised Statutes, is
 13 amended to read as follows:

14 "§432:1-605 ~~[Mammogram]~~ Breast cancer screening~~[-]~~;
 15 mammography. (a) Notwithstanding any provision to the
 16 contrary, each policy, contract, plan, or agreement issued on or
 17 after February 1, 1991, except for policies that only provide
 18 coverage for specified diseases or other limited benefit
 19 coverage, but including policies issued by companies subject to
 20 chapter 431, article 10A, part II and chapter 432, article 1

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1 shall provide coverage for screening by low-dose mammography for
2 occult breast cancer as follows:

3 (1) For women forty years of age and older, an annual
4 mammogram; and

5 (2) For a woman of any age ~~[with]~~ having an above-average
6 risk of developing breast cancer as determined by the
7 use of a risk-factor modeling tool, a history of
8 breast cancer, or whose mother or sister has had a
9 history of breast cancer, [a] an annual mammogram
10 [upon the recommendation of the woman's physician].

11 (b) Notwithstanding any provision to the contrary, each
12 policy contract, plan, or agreement issued after December 31,
13 2023, except for policies that only provide coverage for
14 specified diseases or other limited benefit coverage, but
15 including polices issued by companies subject to chapter 431,
16 article 10A, part II and chapter 432, article 1, shall provide
17 additional breast cancer screening coverage as follows:

18 (1) For women thirty years of age and older, a formal risk
19 factor screening assessment informed by any available
20 risk factor modeling tool; and



1 (2) For a woman of any age, any additional supplemental
 2 imaging deemed necessary by an applicable American
 3 College of Radiology guideline, including breast
 4 magnetic resonance imaging, ultrasound, or digital
 5 breast tomosynthesis.

6 [~~(b)~~] (c) The services provided in [~~subsection~~]
 7 subsections (a) and (b) are subject to any coinsurance
 8 provisions that may be in force in these policies, contracts,
 9 plans, or agreements.

10 [~~(e)~~] (d) For purposes of this section[~~, "low-dose"~~]:
 11 "Digital breast tomosynthesis" means a radiologic procedure
 12 that involves the acquisition of a projection of images over the
 13 stationary breast to produce cross-sectional, digital, three-
 14 dimensional images of the breast.

15 "Low-dose mammography" means the x-ray examination of the
 16 breast using equipment dedicated specifically for mammography,
 17 including but not limited to the x-ray tube, filter, compression
 18 device, screens, films, and cassettes, with an average radiation
 19 exposure delivery of less than one rad mid-breast, with two
 20 views for each breast.



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Report Title:

Breast Cancer; Annual Mammography; Risk Factor Screening; Health Insurance

Description:

Expands coverage of breast cancer screening and imaging to include an annual mammogram for a woman of any age having an above-average risk for breast cancer, risk factor screening for women 30 years of age and older, and additional supplemental imaging for any woman, regardless of age, as deemed medically necessary by an applicable American College of Radiology guideline.

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