

JAN 20 2023

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# A BILL FOR AN ACT

RELATING TO BREAST CANCER SCREENING.

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

1           SECTION 1. The legislature is committed to ensuring that  
2 all women have ready access to breast cancer screening,  
3 regardless of age and ethnicity, provided that these screenings  
4 are requested by state licensed and authorized medical  
5 practitioners.

6           The legislature has serious reservations about the  
7 implementation of United States preventive services task force  
8 guidelines with respect to breast cancer screening. In 2009 and  
9 2016, the United States preventive services task force released  
10 recommendations that were a significant departure from screening  
11 guidelines issued by leading clinical organizations, including  
12 the American College of Radiology, the National Comprehensive  
13 Cancer Network, and the American Medical Association. If the  
14 United States preventive services task force guidelines were  
15 implemented, insurance plans would no longer be required to  
16 cover annual mammography without cost sharing for millions of  
17 women forty to forty-nine years of age.



1           The legislature recognizes that the federal government has  
2 delayed implementation of United States preventive services task  
3 force guidelines through legislatively enacted moratoriums, the  
4 most recent of which is scheduled to expire January 1, 2025.

5           The legislature finds that there is ample data showing that  
6 annual mammographic screenings significantly reduce breast  
7 cancer deaths and morbidity and that effective screening  
8 programs are in the best interest of the State and its  
9 residents. The legislature further recognizes that certain  
10 ethnic groups suffer a disproportionately higher rate of breast  
11 cancer diagnoses before the age of fifty. The legislature is  
12 concerned that minority women would also be disproportionately  
13 and adversely impacted by United States preventive services task  
14 force guidelines limiting their access to life saving screening.

15           The purpose of this Act is to improve breast cancer  
16 detection rates in the State by:

- 17           (1) Increasing the categories of women required to be  
18 covered for mammogram screenings;
- 19           (2) Requiring the existing health insurance mandate for  
20 coverage of low-dose mammography to include digital  
21 mammography and breast tomosynthesis;



- 1 (3) Defining "digital breast tomosynthesis"; and
- 2 (4) Requiring health care providers to be reimbursed at
- 3 rates accurately reflecting the resource costs
- 4 specific to each service, including any increased
- 5 resource cost after January 1, 2023.

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

8 "§431:10A-116 Coverage for specific services. Every  
9 person insured under a policy of accident and health or sickness  
10 insurance delivered or issued for delivery in this State shall  
11 be entitled to the reimbursements and coverages specified below:

- 12 (1) Notwithstanding any provision to the contrary,  
13 whenever a policy, contract, plan, or agreement  
14 provides for reimbursement for any visual or  
15 optometric service, [~~which~~] that is within the  
16 lawful scope of practice of a duly licensed  
17 optometrist, the person entitled to benefits or the  
18 person performing the [~~services~~] service shall be  
19 entitled to reimbursement whether the service is  
20 performed by a licensed physician or by a licensed  
21 optometrist. Visual or optometric services shall



1 include eye or visual examination, or both, or a  
2 correction of any visual or muscular anomaly, and the  
3 supplying of ophthalmic materials, lenses, contact  
4 lenses, spectacles, eyeglasses, and appurtenances  
5 thereto;

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

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

1 State, the person entitled to benefits or performing  
2 the service shall be entitled to reimbursement or  
3 payment, whether the service is performed by a  
4 licensed physician or licensed psychologist;

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

14 (A) For women thirty-five years of age through  
15 thirty-nine years of age, a baseline mammogram;

16 (B) For women forty years of age and older, an annual  
17 mammogram; ~~and~~

18 ~~(B)]~~ (C) For women thirty years of age or older that are  
19 deemed by a licensed physician or clinician to  
20 have an above-average risk for breast cancer, an  
21 annual mammogram;



1           (D) For [a-woman] women of any age [with] having a  
2           history of breast cancer or whose mother or  
3           sister has had a history of breast cancer, a  
4           mammogram upon the recommendation of the woman's  
5           physician[-]; and

6           (E) For women of any age, any additional or  
7           supplemental imaging, including breast magnetic  
8           resonance imaging or ultrasound, deemed medically  
9           necessary by an applicable American College of  
10          Radiology guideline.

11           The services provided in this paragraph are  
12          subject to any coinsurance provisions that may be in  
13          force in these policies, contracts, plans, or  
14          agreements[-], and shall be at least as favorable and  
15          subject to the same dollar limits, deductibles, and  
16          co-payments as other radiological examinations;  
17          provided, however, that on and after January 1, 2023,  
18          providers of health care services specified under this  
19          section shall be reimbursed at rates accurately  
20          reflecting the resource costs specific to each  
21          modality, including any increased resource cost.



1           For [~~the purpose~~] purposes of this paragraph[~~,~~  
2 ~~the term "low-dose"~~]:

3           "Digital breast tomosynthesis" means a radiologic  
4 procedure that allows a volumetric reconstruction of  
5 the whole breast from a finite number of low-dose,  
6 two-dimensional projections obtained by different  
7 x-ray tube angles, creating a series of images forming  
8 a three-dimensional representation of the breast.

9           "Low-dose mammography" means the x-ray  
10 examination of the breast using equipment dedicated  
11 specifically for mammography, including but not  
12 limited to the x-ray tube, filter, compression device,  
13 screens, films, and cassettes, with an average  
14 radiation exposure delivery of less than one rad  
15 mid-breast, with two views for each breast. "Low-dose  
16 mammography" includes digital mammography, digital  
17 breast tomosynthesis, and the practice of interpreting  
18 and rendering a report by a radiologist or other  
19 physician based on the screening.

20           An insurer may provide the services required by  
21 this paragraph through contracts with providers;



1 provided that the contract is determined to be a  
2 cost-effective means of delivering the services  
3 without sacrifice of quality and meets the approval of  
4 the director of health; and

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





1 insurer for any expenses paid for the child;  
2 and

3 (ii) Where notification has not been received by  
4 the insurer prior to the child's birth or  
5 within the specified period following the  
6 child's birth, insurance coverage shall be  
7 effective from the first day following the  
8 insurer's receipt of legal notification of  
9 the insured's ability to consent for  
10 treatment of the infant for whom coverage is  
11 sought; and

12 (B) When the insured is a member of a health  
13 maintenance organization, coverage of an adopted  
14 newborn is effective:

15 (i) From the date of birth of the adopted  
16 newborn when the newborn is treated from  
17 birth pursuant to a provider contract with  
18 the health maintenance organization, and  
19 written notice of enrollment in accord with  
20 the health maintenance organization's usual  
21 enrollment process is provided within thirty



1 days of the date the insured notifies the  
 2 health maintenance organization of the  
 3 insured's intent to adopt the infant for  
 4 whom coverage is sought; or

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

16 SECTION 3. Section 432:1-605, Hawaii Revised Statutes, is  
 17 amended by amending subsection (c) to read as follows:

18 "(c) For purposes of this section[, ~~"low-dose"~~]:  
 19 "Digital breast tomosynthesis" means a radiologic procedure  
 20 that allows a volumetric reconstruction of the whole breast from  
 21 a finite number of low-dose, two-dimensional projections



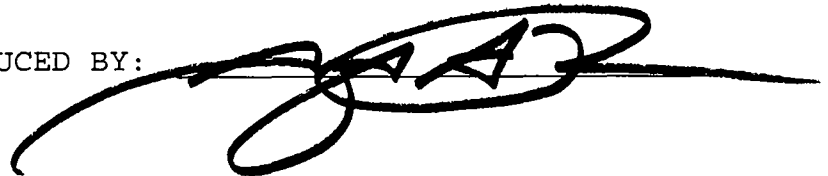
1 obtained by different x-ray tube angles, creating a series of  
2 images forming a three-dimensional representation of the breast.

3 "Low-dose mammography" means the x-ray examination of the  
4 breast using equipment dedicated specifically for mammography,  
5 including but not limited to the x-ray tube, filter, compression  
6 device, screens, films, and cassettes, with an average radiation  
7 exposure delivery of less than one rad mid-breast, with two  
8 views for each breast. "Low-dose mammography" includes digital  
9 mammography, digital breast tomosynthesis, and the practice of  
10 interpreting and rendering a report by a radiologist or other  
11 physician based on the screening."

12 SECTION 4. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.  
15

INTRODUCED BY:

A large, stylized handwritten signature in black ink, appearing to be "JAA", written over a horizontal line.

# S.B. NO. 600

**Report Title:**

Insurance; Breast Cancer Detection; Covered Service; Digital Mammography; Breast Tomosynthesis

**Description:**

Increases the categories of women required to be covered for mammogram screenings. Requires the existing health insurance mandate for coverage of low-dose mammography to include digital mammography and breast tomosynthesis. Defines "digital breast tomosynthesis". Requires health care providers to be reimbursed at rates accurately reflecting the resource costs specific to each service, including any increased resource cost after 1/1/2023.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

