

SENATE No. 697

The Commonwealth of Massachusetts

PRESENTED BY:

Joan B. Lovely

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to insurance coverage for mammograms and breast cancer screening.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joan B. Lovely</i>	<i>Second Essex</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/26/2021</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>2/26/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/8/2021</i>
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	<i>3/15/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/15/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>3/15/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>3/19/2021</i>

SENATE No. 697

By Ms. Lovely, a petition (accompanied by bill, Senate, No. 697) of Joan B. Lovely, Kay Khan, Jessica Ann Giannino, Michael O. Moore and other members of the General Court for legislation relative to insurance coverage for mammograms and breast cancer screening. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 616 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to insurance coverage for mammograms and breast cancer screening.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1: Section 47G of chapter 175 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended, in line 22, by striking the language after the word
3 “examination” and inserting in place thereof the following language:-

4 : (1) said benefits shall provide for: (i) a baseline mammogram for women between the
5 ages of thirty-five and forty and for a mammogram on an annual basis for women forty years of
6 age or older; (ii) in the case of a woman under forty years of age who has a family history of
7 breast cancer or other breast cancer risk factors, a mammogram examination at such age and
8 intervals as deemed medically necessary by the woman’s healthcare provider; (iii) diagnostic
9 mammography and ultrasound evaluation of an entire breast or both breasts if the screening
10 mammogram shows any abnormality where additional examination is deemed medically

11 necessary by the radiologist interpreting the screening mammogram if the patient presents with a
12 symptom including, but not limited to, palpable lump, pain, or discharge, or if deemed clinically
13 necessary based on prior diagnostic imaging; (iv) screening breast ultrasound or screening breast
14 magnetic resonance imaging examination if the patient is deemed to be at increased lifetime risk
15 for breast cancer (defined as greater than a 20% lifetime risk by established risk models) or has
16 additional risk factors for breast cancer including, but not limited to, family history, prior
17 personal history of breast cancer, positive genetic testing, heterogeneously or extremely dense
18 breast tissue based on the Breast Imaging Reporting and Data System established by the
19 American College of Radiology, or other combination of risk factors as determined by the
20 patient's healthcare provider; (v) a diagnostic mammogram, diagnostic breast ultrasound
21 evaluation or breast magnetic resonance imaging scan if the patient has a history of breast
22 cancer; (vi) magnetic resonance imaging in place of, or in addition to, a mammogram when a
23 mammogram is unable to detect cancers due to insufficient breast tissue as ordered by a patient's
24 physician. Said benefits shall be exempt from any co-payment, co-insurance, deductible or dollar
25 limit provisions in a policy or contract. Providers of healthcare services specified under this
26 section shall be reimbursed at rates accurately reflecting the resource costs specific to each
27 modality, including any increased resource cost.

28 (2) For purposes of this section, "screening mammogram" means a radiologic procedure
29 that is provided to an asymptomatic woman for the purpose of early detection of breast cancer.
30 This includes digital mammography and digital breast tomosynthesis. Digital breast
31 tomosynthesis means a radiologic procedure that involves the acquisition of projection images
32 over the stationary breast to produce cross-sectional digital images of the breast with standard
33 two-dimensional radiographic views. Diagnostic examinations for breast cancer means a

34 medically necessary and appropriate examination for breast cancer to evaluate the abnormality in
35 the breast that is seen or suspected from a screening examination for breast cancer, detected by
36 another means of examination, recommended based upon prior diagnostic evaluation, or
37 suspected based on the medical history or family medical history of the individual.

38 Section 2: Section 110 of Chapter 175 of the General Laws, as appearing in the 2018
39 Official Edition, is hereby amended, in line 368, by striking the language after the word
40 “examination” and inserting in place thereof the following language:-

41 : (1) said benefits shall provide for: (i) a baseline mammogram for women between the
42 ages of thirty-five and forty and for a mammogram on an annual basis for women forty years of
43 age or older; (ii) in the case of a woman under forty years of age who has a family history of
44 breast cancer or other breast cancer risk factors, a mammogram examination at such age and
45 intervals as deemed medically necessary by the woman’s healthcare provider; (iii) diagnostic
46 mammography and ultrasound evaluation of an entire breast or both breasts if the screening
47 mammogram shows any abnormality where additional examination is deemed medically
48 necessary by the radiologist interpreting the screening mammogram if the patient presents with a
49 symptom including, but not limited to, palpable lump, pain, or discharge, or if deemed clinically
50 necessary based on prior diagnostic imaging; (iv) screening breast ultrasound or screening breast
51 magnetic resonance imaging examination if the patient is deemed to be at increased lifetime risk
52 for breast cancer (defined as greater than a 20% lifetime risk by established risk models) or has
53 additional risk factors for breast cancer including, but not limited to, family history, prior
54 personal history of breast cancer, positive genetic testing, heterogeneously or extremely dense
55 breast tissue based on the Breast Imaging Reporting and Data System established by the
56 American College of Radiology, or other combination of risk factors as determined by the

57 patient's healthcare provider; (v) a diagnostic mammogram, diagnostic breast ultrasound
58 evaluation or breast magnetic resonance imaging scan if the patient has a history of breast
59 cancer; (vi) magnetic resonance imaging in place of, or in addition to, a mammogram when a
60 mammogram is unable to detect cancers due to insufficient breast tissue as ordered by a patient's
61 physician. Said benefits shall be exempt from any co-payment, co-insurance, deductible or dollar
62 limit provisions in a policy or contract. Providers of healthcare services specified under this
63 section shall be reimbursed at rates accurately reflecting the resource costs specific to each
64 modality, including any increased resource cost.

65 (2) For purposes of this section, "screening mammogram" means a radiologic procedure
66 that is provided to an asymptomatic woman for the purpose of early detection of breast cancer.
67 This includes digital mammography and digital breast tomosynthesis. Digital breast
68 tomosynthesis means a radiologic procedure that involves the acquisition of projection images
69 over the stationary breast to produce cross-sectional digital images of the breast with standard
70 two-dimensional radiographic views. Diagnostic examinations for breast cancer means a
71 medically necessary and appropriate examination for breast cancer to evaluate the abnormality in
72 the breast that is seen or suspected from a screening examination for breast cancer, detected by
73 another means of examination, recommended based upon prior diagnostic evaluation, or
74 suspected based on the medical history or family medical history of the individual.

75 Section 3: Section 8J of Chapter 176A of the General Laws, as appearing in the 2018
76 Official Edition, is hereby amended, in line 13, by striking the language after the word
77 "examination" and inserting in place thereof the following language:-

78 : (1) said benefits shall provide for: (i) a baseline mammogram for women between the
79 ages of thirty-five and forty and for a mammogram on an annual basis for women forty years of
80 age or older; (ii) in the case of a woman under forty years of age who has a family history of
81 breast cancer or other breast cancer risk factors, a mammogram examination at such age and
82 intervals as deemed medically necessary by the woman's healthcare provider; (iii) diagnostic
83 mammography and ultrasound evaluation of an entire breast or both breasts if the screening
84 mammogram shows any abnormality where additional examination is deemed medically
85 necessary by the radiologist interpreting the screening mammogram if the patient presents with a
86 symptom including, but not limited to, palpable lump, pain, or discharge, or if deemed clinically
87 necessary based on prior diagnostic imaging; (iv) screening breast ultrasound or screening breast
88 magnetic resonance imaging examination if the patient is deemed to be at increased lifetime risk
89 for breast cancer (defined as greater than a 20% lifetime risk by established risk models) or has
90 additional risk factors for breast cancer including, but not limited to, family history, prior
91 personal history of breast cancer, positive genetic testing, heterogeneously or extremely dense
92 breast tissue based on the Breast Imaging Reporting and Data System established by the
93 American College of Radiology, or other combination of risk factors as determined by the
94 patient's healthcare provider; (v) a diagnostic mammogram, diagnostic breast ultrasound
95 evaluation or breast magnetic resonance imaging scan if the patient has a history of breast
96 cancer; (vi) magnetic resonance imaging in place of, or in addition to, a mammogram when a
97 mammogram is unable to detect cancers due to insufficient breast tissue as ordered by a patient's
98 physician. Said benefits shall be exempt from any co-payment, co-insurance, deductible or dollar
99 limit provisions in a policy or contract. Providers of healthcare services specified under this

100 section shall be reimbursed at rates accurately reflecting the resource costs specific to each
101 modality, including any increased resource cost.

102 (2) For purposes of this section, "screening mammogram" means a radiologic procedure
103 that is provided to an asymptomatic woman for the purpose of early detection of breast cancer.
104 This includes digital mammography and digital breast tomosynthesis. Digital breast
105 tomosynthesis means a radiologic procedure that involves the acquisition of projection images
106 over the stationary breast to produce cross-sectional digital images of the breast with standard
107 two-dimensional radiographic views. Diagnostic examinations for breast cancer means a
108 medically necessary and appropriate examination for breast cancer to evaluate the abnormality in
109 the breast that is seen or suspected from a screening examination for breast cancer, detected by
110 another means of examination, recommended based upon prior diagnostic evaluation, or
111 suspected based on the medical history or family medical history of the individual.

112 Section 4: Section 4I of Chapter 176B of the General Laws, as appearing in the 2018
113 Official Edition, is hereby amended, in line 13, by striking the language after the word
114 "examination" and inserting in place thereof the following language:-

115 : (1) said benefits shall provide for: (i) a baseline mammogram for women between the
116 ages of thirty-five and forty and for a mammogram on an annual basis for women forty years of
117 age or older; (ii) in the case of a woman under forty years of age who has a family history of
118 breast cancer or other breast cancer risk factors, a mammogram examination at such age and
119 intervals as deemed medically necessary by the woman's healthcare provider; (iii) diagnostic
120 mammography and ultrasound evaluation of an entire breast or both breasts if the screening
121 mammogram shows any abnormality where additional examination is deemed medically

122 necessary by the radiologist interpreting the screening mammogram if the patient presents with a
123 symptom including, but not limited to, palpable lump, pain, or discharge, or if deemed clinically
124 necessary based on prior diagnostic imaging; (iv) screening breast ultrasound or screening breast
125 magnetic resonance imaging examination if the patient is deemed to be at increased lifetime risk
126 for breast cancer (defined as greater than a 20% lifetime risk by established risk models) or has
127 additional risk factors for breast cancer including, but not limited to, family history, prior
128 personal history of breast cancer, positive genetic testing, heterogeneously or extremely dense
129 breast tissue based on the Breast Imaging Reporting and Data System established by the
130 American College of Radiology, or other combination of risk factors as determined by the
131 patient's healthcare provider; (v) a diagnostic mammogram, diagnostic breast ultrasound
132 evaluation or breast magnetic resonance imaging scan if the patient has a history of breast
133 cancer; (vi) magnetic resonance imaging in place of, or in addition to, a mammogram when a
134 mammogram is unable to detect cancers due to insufficient breast tissue as ordered by a patient's
135 physician. Said benefits shall be exempt from any co-payment, co-insurance, deductible or dollar
136 limit provisions in a policy or contract. Providers of healthcare services specified under this
137 section shall be reimbursed at rates accurately reflecting the resource costs specific to each
138 modality, including any increased resource cost.

139 (2) For purposes of this section, "screening mammogram" means a radiologic procedure
140 that is provided to an asymptomatic woman for the purpose of early detection of breast cancer.
141 This includes digital mammography and digital breast tomosynthesis. Digital breast
142 tomosynthesis means a radiologic procedure that involves the acquisition of projection images
143 over the stationary breast to produce cross-sectional digital images of the breast with standard
144 two-dimensional radiographic views. Diagnostic examinations for breast cancer means a

145 medically necessary and appropriate examination for breast cancer to evaluate the abnormality in
146 the breast that is seen or suspected from a screening examination for breast cancer, detected by
147 another means of examination, recommended based upon prior diagnostic evaluation, or
148 suspected based on the medical history or family medical history of the individual.