SENATE DOCKET, NO. 1757 FILED ON: 2/18/2021

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

SENATE DOCKET, NO. 1757 FILED ON: 2/18/2021

# 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:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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