

SENATE . . . . . No. 726

The Commonwealth of Massachusetts

PRESENTED BY:

*Michael F. Rush*

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 breast cancer equity and early detection.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>	
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>	
<i>William M. Straus</i>	<i>10th Bristol</i>	<i>2/19/2021</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>2/23/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>2/23/2021</i>
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	<i>3/1/2021</i>
<i>Jacob R. Oliveira</i>	<i>7th Hampden</i>	<i>4/15/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>4/15/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>9/23/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>11/9/2021</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>12/29/2021</i>

**SENATE . . . . . No. 726**

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By Mr. Rush, a petition (accompanied by bill, Senate, No. 726) of Michael F. Rush, Thomas A. Golden, Jr., William M. Straus, Jessica Ann Giannino and other members of the General Court for legislation relative to breast cancer equity and early detection. Financial Services.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
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An Act relative to breast cancer equity and early detection.

*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. Chapter 32A of the General Laws is hereby amended by inserting after  
2 section 28 the following section: -

3           Section 29. Notwithstanding any general or special law or rule or regulation to the  
4 contrary, any coverage offered by the commission to an active or retired employee of the  
5 commonwealth insured under the group insurance commission that provides medical expense  
6 coverage for screening mammograms shall provide coverage for diagnostic examinations for  
7 breast cancer, on a basis not less favorable than screening mammograms that are covered as  
8 medical benefits. An increase in patient cost sharing for screening mammograms and diagnostic  
9 examinations for breast cancer shall not be allowed to achieve compliance with this section. For  
10 the purposes of this section, “diagnostic examinations for breast cancer” means a medically  
11 necessary and appropriate examination for breast cancer to evaluate the abnormality in the breast  
12 that is seen or suspected from a screening examination for breast cancer, detected by another

13 means of examination; or suspected based on the medical history or family medical history of the  
14 individual. “Examination for breast cancer” includes an examination used to evaluate an  
15 abnormality in a breast using diagnostic mammography, breast magnetic resonance imaging or  
16 breast ultrasound. “Cost sharing” shall mean a deductible, coinsurance, copayment, and any  
17 maximum limitation on the application of such a deductible, coinsurance, copayment, or similar  
18 out-of-pocket expense.

19 SECTION 2. Chapter 118E of the General Laws, as so appearing, is hereby amended by  
20 inserting at the end thereof the following new section: -

21 Section 13C1/2. Notwithstanding any general or special law or rule or regulation to the  
22 contrary, the Executive Office of Health and Human Services shall provide coverage under its  
23 Medicaid contracted health insurers, health plans, health maintenance organizations, and third  
24 party administrators under contract to a Medicaid managed care organization, the Medicaid  
25 primary care clinician plan, or an accountable care organization for diagnostic examinations for  
26 breast cancer, on a basis not less favorable than screening mammograms that are covered as  
27 medical benefits. An increase in patient cost sharing for screening mammograms and diagnostic  
28 examinations for breast cancer shall not be allowed to achieve compliance with this section. For  
29 the purposes of this section, “diagnostic examinations for breast cancer” means a medically  
30 necessary and appropriate examination for breast cancer to evaluate the abnormality in the breast  
31 that is seen or suspected from a screening examination for breast cancer, detected by another  
32 means of examination; or suspected based on the medical history or family medical history of the  
33 individual. “Examination for breast cancer” includes an examination used to evaluate an  
34 abnormality in a breast using diagnostic mammography, breast magnetic resonance imaging or  
35 breast ultrasound. “Cost sharing” shall mean a deductible, coinsurance, copayment, and any

36 maximum limitation on the application of such a deductible, coinsurance, copayment, or similar  
37 out-of-pocket expense.

38 SECTION 3. Chapter 175 of the General Laws is hereby amended by inserting after  
39 section 47KK, the second time it appears, the following section: -

40 Section 47LL. Notwithstanding any general or special law or rule or regulation to the  
41 contrary, any policy, contract, agreement, plan or certificate of insurance issued, delivered or  
42 renewed within the commonwealth that provides medical expense coverage for screening  
43 mammograms shall provide coverage for diagnostic examinations for breast cancer, on a basis  
44 not less favorable than screening mammograms that are covered as medical benefits. An increase  
45 in patient cost sharing for screening mammograms and diagnostic examinations for breast cancer  
46 shall not be allowed to achieve compliance with this section. For the purposes of this section,  
47 “diagnostic examinations for breast cancer” means a medically necessary and appropriate  
48 examination for breast cancer to evaluate the abnormality in the breast that is seen or suspected  
49 from a screening examination for breast cancer, detected by another means of examination; or  
50 suspected based on the medical history or family medical history of the individual. “Examination  
51 for breast cancer” includes an examination used to evaluate an abnormality in a breast using  
52 diagnostic mammography, breast magnetic resonance imaging or breast ultrasound. “Cost  
53 sharing” shall mean a deductible, coinsurance, copayment, and any maximum limitation on the  
54 application of such a deductible, coinsurance, copayment, or similar out-of-pocket expense.

55 SECTION 4. Chapter 176A of the General Laws is hereby amended by inserting after  
56 section 8MM the following section: -

57           Section 8NN. Notwithstanding any general or special law or rule or regulation to the  
58 contrary, any contract between a subscriber and the corporation under an individual or group  
59 hospital service plan which is delivered, issued or renewed within the commonwealth that  
60 provides coverage for screening mammograms shall provide coverage for diagnostic  
61 examinations for breast cancer, on a basis not less favorable than screening mammograms that  
62 are covered as medical benefits. An increase in patient cost sharing for screening mammograms  
63 and diagnostic examinations for breast cancer shall not be allowed to achieve compliance with  
64 this section. For the purposes of this section, “diagnostic examinations for breast cancer” means  
65 a medically necessary and appropriate examination for breast cancer to evaluate the abnormality  
66 in the breast that is seen or suspected from a screening examination for breast cancer, detected by  
67 another means of examination; or suspected based on the medical history or family medical  
68 history of the individual. “Examination for breast cancer” includes an examination used to  
69 evaluate an abnormality in a breast using diagnostic mammography, breast magnetic resonance  
70 imaging or breast ultrasound. “Cost sharing” shall mean a deductible, coinsurance, copayment,  
71 and any maximum limitation on the application of such a deductible, coinsurance, copayment, or  
72 similar out-of-pocket expense.

73           SECTION 5. Chapter 176B of the General Laws is hereby amended by inserting after  
74 section 4MM, the second time it appears, the following section: -

75           Section 4NN. Notwithstanding any general or special law or rule or regulation to the  
76 contrary, any subscription certificate under an individual or group medical service agreement  
77 delivered, issued or renewed within the commonwealth that provides coverage for screening  
78 mammograms shall provide coverage for diagnostic examinations for breast cancer, on a basis  
79 not less favorable than screening mammograms that are covered as medical benefits. An increase

80 in patient cost sharing for screening mammograms and diagnostic examinations for breast cancer  
81 shall not be allowed to achieve compliance with this section. For the purposes of this section,  
82 “diagnostic examinations for breast cancer” means a medically necessary and appropriate  
83 examination for breast cancer to evaluate the abnormality in the breast that is seen or suspected  
84 from a screening examination for breast cancer, detected by another means of examination; or  
85 suspected based on the medical history or family medical history of the individual. “Examination  
86 for breast cancer” includes an examination used to evaluate an abnormality in a breast using  
87 diagnostic mammography, breast magnetic resonance imaging or breast ultrasound. “Cost  
88 sharing” shall mean a deductible, coinsurance, copayment, and any maximum limitation on the  
89 application of such a deductible, coinsurance, copayment, or similar out-of-pocket expense.

90 SECTION 6. Chapter 176G of the General Laws is hereby amended by inserting after  
91 section 4EE the following section: -

92 Section 4FF. Notwithstanding any general or special law or rule or regulation to the  
93 contrary, any individual or group health maintenance contract that provides coverage for  
94 screening mammograms shall provide coverage for diagnostic examinations for breast cancer, on  
95 a basis not less favorable than screening mammograms that are covered as medical benefits. An  
96 increase in patient cost sharing for screening mammograms and diagnostic examinations for  
97 breast cancer shall not be allowed to achieve compliance with this section. For the purposes of  
98 this section, “diagnostic examinations for breast cancer” means a medically necessary and  
99 appropriate examination for breast cancer to evaluate the abnormality in the breast that is seen or  
100 suspected from a screening examination for breast cancer, detected by another means of  
101 examination; or suspected based on the medical history or family medical history of the  
102 individual. “Examination for breast cancer” includes an examination used to evaluate an

103 abnormality in a breast using diagnostic mammography, breast magnetic resonance imaging or  
104 breast ultrasound. "Cost sharing" shall mean a deductible, coinsurance, copayment, and any  
105 maximum limitation on the application of such a deductible, coinsurance, copayment, or similar  
106 out-of-pocket expense.

107           SECTION 7. The provisions of this Act shall be effective for all contracts which are  
108 entered into, renewed, or amended one year after its effective date.