

STATE OF NEW YORK

3268

2021-2022 Regular Sessions

IN SENATE

January 28, 2021

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to coverage for the detection of breast cancer

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subparagraph (A) of paragraph 11 of subsection (i) of
2 section 3216 of the insurance law, as amended by chapter 414 of the laws
3 of 2017, is amended and a new subparagraph (G) is added to read as
4 follows:

5 (A) Every policy that provides coverage for hospital, surgical or
6 medical care shall provide the following coverage for mammography
7 screening for occult breast cancer:

8 (i) upon the recommendation of a physician, a mammogram, which may be
9 provided by breast tomosynthesis, at any age for covered persons having
10 a prior history of breast cancer or who have a first degree relative
11 with a prior history of breast cancer;

12 (ii) a single baseline mammogram, which may be provided by breast
13 tomosynthesis, for covered persons aged [thirty-five] twenty-five
14 through [thirty-nine] twenty-nine, inclusive; and

15 (iii) an annual mammogram, which may be provided by breast tomosynthesis, for covered persons aged [forty] thirty and older.

16 (G) Coverage shall also be provided, upon the recommendation of a
17 physician, for follow-up diagnostic testing for the detection of breast
18 cancer, including breast biopsies, in the event that a physician deter-
19 mines that a covered person has had an abnormal mammogram. Such follow-
20 up diagnostic testing shall not be subject to annual deductibles or
21 coinsurance.

22 § 2. Subparagraph (A) of paragraph 11 of subsection (l) of section
23 3221 of the insurance law, as amended by chapter 143 of the laws of
24 2019, is amended and a new subparagraph (G) is added to read as follows:

25 EXPLANATION--Matter in **italics** (underlined) is new; matter in brackets
[] is old law to be omitted.

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1 (A) Every insurer delivering a group or blanket policy or issuing a
2 group or blanket policy for delivery in this state that provides cover-
3 age for hospital, surgical or medical care shall provide the following
4 coverage for mammography screening for occult breast cancer:

5 (i) upon the recommendation of a physician, a mammogram, which may be
6 provided by breast tomosynthesis, at any age for covered persons having
7 a prior history of breast cancer or who have a first degree relative
8 with a prior history of breast cancer;
9 (ii) a single baseline mammogram, which may be provided by breast
10 tomosynthesis, for covered persons aged [thirty-five] twenty-five
11 through [thirty-nine] twenty-nine, inclusive;

12 (iii) an annual mammogram, which may be provided by breast tomosynthe-
13 sis, for covered persons aged [forty] thirty and older; and

14 (iv) for large group policies that provide coverage for hospital,
15 surgical or medical care, an annual mammogram for covered persons aged
16 [thirty-five] twenty-five through [thirty-nine] twenty-nine, inclusive,
17 upon the recommendation of a physician, subject to the insurer's deter-
18 mination that the mammogram is medically necessary.

19 (G) Coverage shall also be provided, upon the recommendation of a
20 physician, for follow-up diagnostic testing for the detection of breast
21 cancer, including breast biopsies, in the event that a physician deter-
22 mines that a covered person has had an abnormal mammogram. Such follow-
23 up diagnostic testing shall not be subject to annual deductibles or
24 coinsurance.

25 § 3. Subparagraphs (B), (C) and (D) of paragraph 1 of subsection (p)
26 of section 4303 of the insurance law, as amended by chapter 143 of the
27 laws of 2019, are amended and a new paragraph 6 is added to read as
28 follows:

29 (B) a single baseline mammogram, which may be provided by breast tomo-
30 synthesis, for covered persons aged [thirty-five] twenty-five through
31 [thirty-nine] twenty-nine, inclusive;

32 (C) an annual mammogram, which may be provided by breast tomosynthesis,
33 for covered persons aged [forty] thirty and older;

34 (D) for large group contracts offered by a medical expense indemnity
35 corporation, a hospital service corporation or a health service corpo-
36 ration that provide coverage for hospital, surgical or medical care, an
37 annual mammogram for covered persons aged [thirty-five] twenty-five
38 through [thirty-nine] twenty-nine, inclusive, upon the recommendation of
39 a physician, subject to the corporation's determination that the mammo-
40 gram is medically necessary; and

41 (6) Coverage shall also be provided, upon the recommendation of a
42 physician, for follow-up diagnostic testing for the detection of breast
43 cancer, including breast biopsies, in the event that a physician deter-
44 mines that a covered person has had an abnormal mammogram. Such follow-
45 up diagnostic testing shall not be subject to annual deductibles or
46 coinsurance.

47 § 4. This act shall take effect on the ninetieth day after it shall
48 have become a law and shall apply to all policies and contracts issued,
49 renewed, modified, altered or amended on or after such date.