

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 145

Introduced by Bostar, 29.

Read first time January 06, 2023

Committee: Banking, Commerce and Insurance

- 1 A BILL FOR AN ACT relating to insurance; to amend section 44-785, Reissue
- 2 Revised Statutes of Nebraska; to change provisions relating to
- 3 coverage for screening mammography and breast examinations; and to
- 4 repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 44-785, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 44-785 (1) For purposes of this section:

4 (a) Diagnostic imaging means an imaging examination using
5 mammography, ultrasound imaging, or magnetic resonance imaging that is
6 designed to evaluate:

7 (i) A subjective or objective abnormality detected by a health care
8 provider or patient in a breast;

9 (ii) An abnormality seen by a health care provider on a screening
10 mammography; or

11 (iii) An abnormality previously identified by a health care provider
12 as likely benign in a breast for which follow-up imaging is recommended
13 by a health care provider;

14 (b) Screening mammography shall mean radiological examination of the
15 breast of asymptomatic women for the early detection of breast cancer,
16 which examination shall include (i) a cranio-caudal and a medial lateral
17 oblique view of each breast and (ii) a licensed radiologist's
18 interpretation of the results of the procedure. Screening mammography
19 shall not include diagnostic imaging or mammography, additional
20 projections required for lesion definition, breast ultrasound, or any
21 breast interventional procedure. Screening mammography shall be performed
22 by a mammogram supplier who meets the standards of the federal
23 Mammography Quality Standards Act of 1992; and

24 (c) Supplemental breast screening means a medically necessary and
25 appropriate examination of the breast, including breast magnetic
26 resonance imaging or breast ultrasound that is (i) used to screen for
27 breast cancer when there is no abnormality seen or suspected and (ii)
28 based on a personal family medical history, dense breast tissue, or
29 additional factors that may increase the individual's risk of breast
30 cancer.

31 (2) ~~(1)~~ Notwithstanding section 44-3,131, (a) any individual or

1 group sickness and accident insurance policy or subscriber contract
2 delivered, issued for delivery, or renewed in this state and any
3 hospital, medical, or surgical expense-incurred policy, except for
4 policies that provide coverage for a specified disease or other limited-
5 benefit coverage, and (b) any self-funded employee benefit plan to the
6 extent not preempted by federal law shall include coverage for screening
7 mammography as follows:

8 (i) For women who are thirty-five years of age and older but younger
9 than forty years of age, one base-line mammogram between thirty-five and
10 forty years of age;

11 (ii) For women who are under forty years of age and have a family
12 history of breast cancer, a mammogram at the age and in the intervals
13 considered medically necessary by the patients health care provider and
14 older but younger than fifty years of age, one mammogram every two years
15 or more frequently based on the patient's physician's recommendation; and

16 (iii) For women who are forty ~~forty~~ fifty years of age or older, one
17 mammogram every year.

18 (3) Except as provided in subsection (4) of this section, this (2)
19 This section does not prevent application of deductible or copayment
20 provisions contained in the policy or health benefit plan or require that
21 coverage under an individual or group policy or health benefit plan be
22 extended to any other procedures. The coverage provided by this section
23 shall not be less favorable than for other radiological examinations.
24 This section does not apply if the covered individuals are provided an
25 ongoing screening mammography program which at a minimum meets the
26 requirements of this section as a separate benefit.

27 (4) Any individual or group sickness and accident insurance policy
28 or health benefit plan that provides coverage for screening mammography
29 shall provide coverage for diagnostic imaging or mammography, diagnostic
30 ultrasound, and supplemental breast screening.

31 ~~(3) For purposes of this section, screening mammography shall mean~~

1 ~~radiological examination of the breast of asymptomatic women for the~~
2 ~~early detection of breast cancer, which examination shall include (a) a~~
3 ~~cranio-caudal and a medial lateral oblique view of each breast and (b) a~~
4 ~~licensed radiologist's interpretation of the results of the procedure.~~
5 ~~Screening mammography shall not include diagnostic mammography,~~
6 ~~additional projections required for lesion definition, breast ultrasound,~~
7 ~~or any breast interventional procedure. Screening mammography shall be~~
8 ~~performed by a mammogram supplier who meets the standards of the federal~~
9 ~~Mammography Quality Standards Act of 1992.~~

10 Sec. 2. Original section 44-785, Reissue Revised Statutes of
11 Nebraska, is repealed.