Introduced by Bostar, 29.

Read first time January 06, 2023

Committee: Banking, Commerce and Insurance

A BILL FOR AN ACT relating to insurance; to amend section 44-785, Reissue Revised Statutes of Nebraska; to change provisions relating to coverage for screening mammography and breast examinations; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,
Section 1. Section 44-785, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

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

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

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

(2) (1) Notwithstanding section 44-3,131, (a) any individual or
group sickness and accident insurance policy or subscriber contract

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

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

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

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

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

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

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

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