
A BILL FOR AN ACT

RELATING TO BREAST CANCER SCREENING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature is committed to ensuring that
2 all women have ready access to breast cancer screening,
3 regardless of age and ethnicity, provided such screenings are
4 requested by state licensed and authorized medical
5 practitioners.

6 The legislature has serious reservations about the
7 implementation of United States preventive services task force
8 (USPSTF) guidelines with respect to breast cancer screening. In
9 2009 and 2016, the USPSTF released recommendations that were a
10 significant departure from screening guidelines issued by
11 leading clinical organizations such as the American College of
12 Radiology, the National Comprehensive Cancer Network, and the
13 American Medical Association. If the USPSTF guidelines were
14 implemented, insurance plans would no longer be required to
15 cover annual mammography without cost sharing for millions of
16 women ages forty to forty-nine.



1 The legislature recognizes that the federal government has
2 delayed implementation of USPSTF guidelines via legislation,
3 most recently with the Protecting Access to Lifesaving Screening
4 Act of 2019, that is scheduled to expire December 31, 2020.

5 The legislature finds that there is ample data showing that
6 annual mammographic screenings significantly reduces breast
7 cancer deaths and morbidity and that effective screening
8 programs are in the best interest of the State and its people.
9 The legislature further recognizes that certain ethnic groups
10 suffer a disproportionately higher rate of breast cancer
11 diagnoses before age fifty. The legislature is concerned that
12 minority women would also be disproportionately and adversely
13 impacted by USPSTF guidelines limiting their access to life
14 saving screening.

15 The purpose of this Act is to improve breast cancer
16 detection rates in the State by:

- 17 (1) Increasing the categories of women required to be
18 covered for mammogram screenings;
- 19 (2) Requiring the existing health insurance mandate for
20 coverage of low-dose mammography to include digital
21 mammography and breast tomosynthesis;



- 1 (3) Defining "digital breast tomosynthesis"; and
- 2 (4) Requiring health care providers to be reimbursed at
- 3 rates accurately reflecting the resource costs
- 4 specific to each service, including any increased
- 5 resource cost after January 1, 2021.

6 SECTION 2. Section 431:10A-116, Hawaii Revised Statutes,
7 is amended to read as follows:

8 **"§431:10A-116 Coverage for specific services.** Every
9 person insured under a policy of accident and health or sickness
10 insurance delivered or issued for delivery in this State shall
11 be entitled to the reimbursements and coverages specified below:

- 12 (1) Notwithstanding any provision to the contrary,
- 13 whenever a policy, contract, plan, or agreement
- 14 provides for reimbursement for any visual or
- 15 optometric service, ~~which~~ that is within the lawful
- 16 scope of practice of a duly licensed optometrist, the
- 17 person entitled to benefits or the person performing
- 18 the services shall be entitled to reimbursement
- 19 whether the service is performed by a licensed
- 20 physician or by a licensed optometrist. Visual or
- 21 optometric services shall include eye or visual



1 examination, or both, or a correction of any visual or
2 muscular anomaly, and the supplying of ophthalmic
3 materials, lenses, contact lenses, spectacles,
4 eyeglasses, and appurtenances thereto;

5 (2) Notwithstanding any provision to the contrary, for all
6 policies, contracts, plans, or agreements issued on or
7 after May 30, 1974, whenever provision is made for
8 reimbursement or indemnity for any service related to
9 surgical or emergency procedures, [~~which~~] that is
10 within the lawful scope of practice of any
11 practitioner licensed to practice medicine in this
12 State, reimbursement or indemnification under the
13 policy, contract, plan, or agreement shall not be
14 denied when the services are performed by a dentist
15 acting within the lawful scope of the dentist's
16 license;

17 (3) Notwithstanding any provision to the contrary,
18 whenever the policy provides reimbursement or payment
19 for any service, [~~which~~] that is within the lawful
20 scope of practice of a psychologist licensed in this
21 State, the person entitled to benefits or performing



1 the service shall be entitled to reimbursement or
2 payment, whether the service is performed by a
3 licensed physician or licensed psychologist;

4 (4) Notwithstanding any provision to the contrary, each
5 policy, contract, plan, or agreement issued on or
6 after February 1, 1991, except for policies that only
7 provide coverage for specified diseases or other
8 limited benefit coverage, but including policies
9 issued by companies subject to chapter 431, article
10 10A, part II and chapter 432, article 1 shall provide
11 coverage for screening by low-dose mammography for
12 occult breast cancer as follows:

13 (A) For women age thirty-five to thirty-nine,
14 inclusive, an annual baseline mammogram;

15 (B) For women forty years of age and older, an annual
16 mammogram; [and]

17 (C) For women over age thirty, deemed by a licensed
18 physician or clinician to have an above-average
19 risk for breast cancer, an annual mammogram;

20 [~~(B)~~] (D) For [a woman] women of any age with a
21 history of breast cancer or whose mother or



1 sister has had a history of breast cancer, a
2 mammogram upon the recommendation of the woman's
3 physician[-]; and

4 (E) For women of any age, any additional or
5 supplemental imaging, such as breast magnetic
6 resonance imaging or ultrasound, deemed medically
7 necessary by an applicable American College of
8 Radiology guideline.

9 The services provided in this paragraph are
10 subject to any coinsurance provisions that may be in
11 force in these policies, contracts, plans, or
12 agreements[-], and shall be at least as favorable and
13 subject to the same dollar limits, deductibles, and
14 co-payments as other radiological examinations;
15 provided, however, that on and after January 1, 2021
16 providers of health care services specified under this
17 section shall be reimbursed at rates accurately
18 reflecting the resource costs specific to each
19 modality, including any increased resource cost.

20 For the purpose of this paragraph, the term "low-
21 dose mammography" means the x-ray examination of the



1 breast using equipment dedicated specifically for
2 mammography, including but not limited to the x-ray
3 tube, filter, compression device, screens, films, and
4 cassettes, with an average radiation exposure delivery
5 of less than one rad mid-breast, with two views for
6 each breast[-], and includes both digital mammography
7 and digital breast tomosynthesis, and interpreting and
8 rendering a report by a radiologist or other physician
9 based on the screening. For the purposes of this
10 paragraph, the term "digital breast tomosynthesis"
11 means a radiologic procedure that allows a volumetric
12 reconstruction of the whole breast from a finite
13 number of low-dose two-dimensional projections
14 obtained by different x-ray tube angles, creating a
15 series of images forming a three dimensional
16 representation of the breast. An insurer may provide
17 the services required by this paragraph through
18 contracts with providers; provided that the contract
19 is determined to be a cost-effective means of
20 delivering the services without sacrifice of quality
21 and meets the approval of the director of health; and



1 child's birth, insurance coverage shall be
2 effective from the first day following the
3 insurer's receipt of legal notification of
4 the insured's ability to consent for
5 treatment of the infant for whom coverage is
6 sought; and

7 (B) When the insured is a member of a health
8 maintenance organization, coverage of an adopted
9 newborn is effective:

10 (i) From the date of birth of the adopted
11 newborn when the newborn is treated from
12 birth pursuant to a provider contract with
13 the health maintenance organization, and
14 written notice of enrollment in accord with
15 the health maintenance organization's usual
16 enrollment process is provided within thirty
17 days of the date the insured notifies the
18 health maintenance organization of the
19 insured's intent to adopt the infant for
20 whom coverage is sought; or



1 (ii) From the first day following receipt by the
2 health maintenance organization of written
3 notice of the insured's ability to consent
4 for treatment of the infant for whom
5 coverage is sought and enrollment of the
6 adopted newborn in accord with the health
7 maintenance organization's usual enrollment
8 process if the newborn has been treated from
9 birth by a provider not contracting or
10 affiliated with the health maintenance
11 organization."

12 SECTION 3. Section 432:1-605, Hawaii Revised Statutes, is
13 amended by amending subsection (c) to read as follows:

14 "(c) For purposes of this section[, ~~"low-dose~~
15 ~~mammography~~"]:

16 "Digital breast tomosynthesis" means a radiologic procedure
17 that allows a volumetric reconstruction of the whole breast from
18 a finite number of low-dose two-dimensional projections obtained
19 by different x-ray tube angles, creating a series of images
20 forming a three dimensional representation of the breast.



1 "Low-dose mammography" means the x-ray examination of the
2 breast using equipment dedicated specifically for mammography,
3 including but not limited to the x-ray tube, filter, compression
4 device, screens, films, and cassettes, with an average radiation
5 exposure delivery of less than one rad mid-breast, with two
6 views for each breast[-], and includes both digital mammography
7 and digital breast tomosynthesis, and interpreting and rendering
8 a report by a radiologist or other physician based on the
9 screening."

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect on July 1, 2021.

13

INTRODUCED BY: *Lisa Murto*

JAN 22 2021



H.B. NO. 564

Report Title:

Insurance; Breast Cancer Detection; Covered Service; Digital Mammography; Breast Tomosynthesis

Description:

Increases the categories of women required to be covered for mammogram screenings. Requires the existing health insurance mandate for coverage of low-dose mammography to include digital mammography and breast tomosynthesis. Defines digital breast tomosynthesis. Requires health care providers to be reimbursed at rates accurately reflecting the resource costs specific to each service, including any increased resource cost after January 1, 2021.

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