

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 595 Session of  
2019

INTRODUCED BY MENSCH, SCAVELLO, LAUGHLIN, KILLION, PHILLIPS-HILL, VOGEL, K. WARD, YAW, STREET, BOSCOLA, BREWSTER, FARNESE, TARTAGLIONE, COSTA, HUGHES, SANTARSIERO, SCHWANK, FONTANA, HAYWOOD, BLAKE, LEACH, L. WILLIAMS, MUTH, COLLETT, IOVINO, KEARNEY, DINNIMAN, AUMENT, BAKER, J. WARD, TOMLINSON, BARTOLOTTA, REGAN, STEFANO, BROOKS, BROWNE, YUDICHAK, SABATINA, DiSANTO, ARGALL, A. WILLIAMS, MARTIN, HUTCHINSON, MASTRIANO AND LANGERHOLC, SEPTEMBER 23, 2019

AS REPORTED FROM COMMITTEE ON INSURANCE, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 28, 2020

## AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An  
2 act relating to insurance; amending, revising, and  
3 consolidating the law providing for the incorporation of  
4 insurance companies, and the regulation, supervision, and  
5 protection of home and foreign insurance companies, Lloyds  
6 associations, reciprocal and inter-insurance exchanges, and  
7 fire insurance rating bureaus, and the regulation and  
8 supervision of insurance carried by such companies,  
9 associations, and exchanges, including insurance carried by  
10 the State Workmen's Insurance Fund; providing penalties; and  
11 repealing existing laws," in casualty insurance, further  
12 providing for coverage for mammographic examinations.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. Section 632 of the act of May 17, 1921 (P.L.682,  
16 No.284), known as The Insurance Company Law of 1921, is amended  
17 to read:

18 Section 632. Coverage for Mammographic Examinations and  
19 Diagnostic Breast Imaging.--(a) All group or individual health

1 or sickness or accident insurance policies providing hospital or  
2 medical/surgical coverage and all group or individual subscriber  
3 contracts or certificates issued by any entity subject to 40  
4 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63  
5 (relating to professional health services plan corporations),  
6 this act, the act of December 29, 1972 (P.L.1701, No.364), known  
7 as the "Health Maintenance Organization Act," the act of July  
8 29, 1977 (P.L.105, No.38), known as the "Fraternal Benefit  
9 Society Code," or an employe welfare benefit plan as defined in  
10 section 3 of the Employee Retirement Income Security Act of 1974  
11 (Public Law 93-406, 29 U.S.C. § 1001 et seq.) providing hospital  
12 or medical/surgical coverage shall also provide coverage for  
13 mammographic examinations. The minimum coverage required shall  
14 include all costs associated with a mammogram every year for  
15 women 40 years of age or older [and], with any mammogram based  
16 on a physician's recommendation for women under 40 years of age. <--  
17 ~~and supplemental magnetic resonance imaging or, if such imaging <--~~  
18 ~~is not possible, ultrasound if recommended by the treating~~  
19 ~~physician because the woman is believed to be at an increased~~  
20 ~~risk for breast cancer due to:~~  
21 ~~(1) personal history of atypical breast histologies;~~  
22 ~~(2) personal or family history or genetic predisposition for~~  
23 ~~breast cancer;~~  
24 ~~(3) prior therapeutic thoracic radiation therapy;~~  
25 ~~(4) heterogeneously dense breast tissue based on breast~~  
26 ~~composition categories of the Breast Imaging and Reporting Data~~  
27 ~~System established by the American College of Radiology with any~~  
28 ~~one of the following risk factors:~~  
29 ~~(i) lifetime risk of breast cancer of greater than 20%,~~  
30 ~~according to risk assessment tools based on family history;~~

~~(ii) personal history of BRCA1 or BRCA2 gene mutations;~~  
~~(iii) first degree relative with a BRCA1 or BRCA2 gene mutation but not having had genetic testing themselves;~~  
~~(iv) prior therapeutic thoracic radiation therapy between 10 and 30 years of age; or~~  
~~(v) personal history of Li Fraumeni syndrome, Cowden syndrome or Bannayan Riley Ruvalcaba syndrome or a first degree relative with one of these syndromes; or~~  
~~(5) extremely dense breast tissue based on breast composition categories of the Breast Imaging and Reporting Data System established by the American College of Radiology.~~

Prior to payment for a screening mammogram, insurers shall verify that the screening mammography service provider is properly licensed by the department in accordance with the act of July 9, 1992 (P.L.449, No.93), known as the "Mammography Quality Assurance Act." Nothing in this section shall be construed to require an insurer to cover the surgical procedure known as mastectomy or to prevent application of deductible or copayment provisions contained in the policy or plan except as preempted by Federal Law.

(B) A GROUP OR INDIVIDUAL HEALTH OR SICKNESS OR ACCIDENT INSURANCE POLICY PROVIDING HOSPITAL OR MEDICAL/SURGICAL COVERAGE AND A GROUP OR INDIVIDUAL SUBSCRIBER CONTRACT OR CERTIFICATE ISSUED BY ANY ENTITY SUBJECT TO 40 PA.C.S. CH. 61 OR 63, THIS ACT, THE "HEALTH MAINTENANCE ORGANIZATION ACT," THE "FRATERNAL BENEFIT SOCIETY CODE" OR AN EMPLOYEE WELFARE BENEFIT PLAN AS DEFINED IN SECTION 3 OF THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974) PROVIDING HOSPITAL OR MEDICAL/SURGICAL COVERAGE SHALL ALSO PROVIDE COVERAGE FOR BREAST IMAGING. THE MINIMUM COVERAGE REQUIRED SHALL INCLUDE SUPPLEMENTAL MAGNETIC RESONANCE

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1 IMAGING OR, IF SUCH IMAGING IS NOT POSSIBLE, ULTRASOUND IF  
2 RECOMMENDED BY THE TREATING PHYSICIAN BECAUSE THE WOMAN IS  
3 BELIEVED TO BE AT AN INCREASED RISK OF BREAST CANCER DUE TO:

- 4 (1) PERSONAL HISTORY OF ATYPICAL BREAST HISTOLOGIES;
- 5 (2) PERSONAL HISTORY OR FAMILY HISTORY OF BREAST CANCER;
- 6 (3) GENETIC PREDISPOSITION FOR BREAST CANCER;
- 7 (4) PRIOR THERAPEUTIC THORACIC RADIATION THERAPY;
- 8 (5) HETEROGENEOUSLY DENSE BREAST TISSUE BASED ON BREAST

9 COMPOSITION CATEGORIES OF THE BREAST IMAGING AND REPORTING DATA  
10 SYSTEM ESTABLISHED BY THE AMERICAN COLLEGE OF RADIOLOGY WITH ANY  
11 ONE OF THE FOLLOWING RISK FACTORS:

12 (I) LIFETIME RISK OF BREAST CANCER OF GREATER THAN 20%,  
13 ACCORDING TO RISK ASSESSMENT TOOLS BASED ON FAMILY HISTORY;

14 (II) PERSONAL HISTORY OF BRCA1 OR BRCA2 GENE MUTATIONS;

15 (III) FIRST-DEGREE RELATIVE WITH A BRCA1 OR BRCA2 GENE  
16 MUTATION BUT NOT HAVING HAD GENETIC TESTING HERSELF;

17 (IV) PRIOR THERAPEUTIC THORACIC RADIATION THERAPY BETWEEN 10  
18 AND 30 YEARS OF AGE; OR

19 (V) PERSONAL HISTORY OF LI-FRAUMENI SYNDROME, COWDEN  
20 SYNDROME OR BANNAYAN-RILEY-RUVALCABA SYNDROME OR A FIRST-DEGREE  
21 RELATIVE WITH ONE OF THESE SYNDROMES.

22 (6) EXTREMELY DENSE BREAST TISSUE BASED ON BREAST  
23 COMPOSITION CATEGORIES OF THE BREAST IMAGING AND REPORTING DATA  
24 SYSTEM ESTABLISHED BY THE AMERICAN COLLEGE OF RADIOLOGY. NOTHING  
25 IN THIS SUBSECTION SHALL BE CONSTRUED TO REQUIRE AN INSURER TO  
26 COVER THE SURGICAL PROCEDURE KNOWN AS MASTECTOMY OR TO PREVENT  
27 THE APPLICATION OF DEDUCTIBLE, COPAYMENT OR COINSURANCE  
28 PROVISIONS CONTAINED IN THE POLICY OR PLAN.

29 ~~(b)~~ (C) This section shall not apply to the following types <--  
30 of policies:

- 1     (1) Accident only.
- 2     (2) Limited benefit.
- 3     (3) Credit.
- 4     (4) Dental.
- 5     (5) Vision.
- 6     (6) Specified disease.
- 7     (7) Medicare supplement.
- 8     (8) Civilian Health and Medical Program of the Uniformed
- 9     Services (CHAMPUS) supplement.
- 10    (9) Long-term care or disability income.
- 11    (10) Workers' compensation.
- 12    (11) Automobile medical payment.
- 13    (12) Fixed indemnity.
- 14    (13) Hospital indemnity.

15     Section 2. This act shall apply as follows:

16         (1) For health insurance policies for which either rates  
17     or forms are required to be filed with the Federal Government  
18     or the Insurance Department, this act shall apply to any  
19     policy for which a form or rate is first filed on or after  
20     the effective date of this section.

21         (2) For health insurance policies for which neither  
22     rates nor forms are required to be filed with the Federal  
23     Government or the Insurance Department, this act shall apply  
24     to any policy issued or renewed on or after 180 days after  
25     the effective date of this section.

26     Section 3. This act shall take effect in 60 days.