

# SENATE BILL 61

C3  
SB 648/16 – FIN

EMERGENCY BILL  
(PRE-FILED)

7lr0854  
CF HB 675

By: ~~Senator Mathias~~ Senators Mathias, Astle, Benson, Feldman, Hershey,  
Jennings, Klausmeier, Middleton, Reilly, and Rosapepe

Requested: October 12, 2016

Introduced and read first time: January 11, 2017

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 7, 2017

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

### 2 **Health Insurance – Coverage for Digital Tomosynthesis**

3 FOR the purpose of establishing that a certain coverage requirement applicable to certain  
4 insurers, nonprofit health service plans, and health maintenance organizations  
5 includes coverage for digital tomosynthesis under certain circumstances; prohibiting  
6 certain insurers, nonprofit health service plans, and health maintenance  
7 organizations from imposing a copayment or coinsurance requirement for digital  
8 tomosynthesis that is greater than a copayment or coinsurance requirement for other  
9 breast cancer screenings for which coverage is required under certain provisions of  
10 law; defining a certain term; providing for the application of this Act; making this  
11 Act an emergency measure; and generally relating to health insurance coverage for  
12 tomosynthesis.

13 BY repealing and reenacting, with amendments,  
14 Article – Insurance  
15 Section 15–814  
16 Annotated Code of Maryland  
17 (2011 Replacement Volume and 2016 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
19 That the Laws of Maryland read as follows:

### 20 **Article – Insurance**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 15–814.

2       **(A) IN THIS SECTION, “DIGITAL TOMOSYNTHESIS” MEANS A RADIOLOGIC**  
3 **PROCEDURE THAT INVOLVES THE ACQUISITION OF PROJECTION IMAGES OVER THE**  
4 **STATIONARY BREAST TO PRODUCE CROSS-SECTIONAL DIGITAL**  
5 **THREE-DIMENSIONAL IMAGES OF THE BREAST.**

6       **[(a)] (B)** This section applies to:

7               (1) insurers and nonprofit health service plans that provide hospital,  
8 medical, or surgical benefits to individuals or groups on an expense-incurred basis under  
9 health insurance policies or contracts that are issued or delivered in the State; and

10              (2) health maintenance organizations that provide hospital, medical, or  
11 surgical benefits to individuals or groups under contracts that are issued or delivered in  
12 the State.

13       **[(b)] (C) (1) [An] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN**  
14 **entity subject to this section shall provide coverage for breast cancer screening in**  
15 **accordance with the latest screening guidelines issued by the American Cancer Society.**

16              **(2) THE COVERAGE REQUIRED UNDER THIS SECTION SHALL INCLUDE**  
17 **COVERAGE FOR DIGITAL TOMOSYNTHESIS THAT, UNDER ACCEPTED STANDARDS IN**  
18 **THE PRACTICE OF MEDICINE, THE TREATING PHYSICIAN DETERMINES IS**  
19 **MEDICALLY APPROPRIATE AND NECESSARY FOR AN ENROLLEE OR INSURED.**

20       **[(c)] (D)** An entity subject to this section is not required to cover breast cancer  
21 screenings used to identify breast cancer in asymptomatic women that are provided by a  
22 facility that is not accredited by the American College of Radiology or certified or licensed  
23 under a program established by the State.

24       **[(d)] (E) (1)** An entity subject to this section may not impose a deductible on  
25 the coverage required under this section.

26              (2) Each health insurance policy and certificate issued by an entity subject  
27 to this section shall contain a notice of the prohibition established by paragraph (1) of this  
28 subsection in a form approved by the Commissioner.

29              **(3) AN ENTITY SUBJECT TO THIS SECTION MAY NOT IMPOSE A**  
30 **COPAYMENT OR COINSURANCE REQUIREMENT FOR DIGITAL TOMOSYNTHESIS THAT**  
31 **IS GREATER THAN A COPAYMENT OR COINSURANCE REQUIREMENT FOR OTHER**  
32 **BREAST CANCER SCREENINGS FOR WHICH COVERAGE IS REQUIRED UNDER THIS**  
33 **SECTION.**

1       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all  
2 policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or  
3 after January 1, 2018.

4       SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency  
5 measure, is necessary for the immediate preservation of the public health or safety, has  
6 been passed by a yea and nay vote supported by three-fifths of all the members elected to  
7 each of the two Houses of the General Assembly, and shall take effect from the date it is  
8 enacted.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.