

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

**SENATE BILL**

**No. 274**      Session of  
2007

---

INTRODUCED BY O'PAKE, MELLOW, COSTA, LAVALLE, BOSCOLA, RHOADES,  
MUSTO, FONTANA, TARTAGLIONE, ORIE, STOUT, WOZNIAK, RAFFERTY,  
KASUNIC, WASHINGTON, ERICKSON, KITCHEN, LOGAN AND STACK,  
MARCH 8, 2007

---

REFERRED TO BANKING AND INSURANCE, MARCH 8, 2007

---

AN ACT

1 Mandating health insurance coverage for cancer prevention and  
2 early detection programs; and providing for powers and duties  
3 of the Department of Health.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Colorectal  
8 Cancer Early Detection Act.

9 Section 2. Legislative intent.

10 The General Assembly finds and declares as follows:

11 (1) Colorectal cancers are the third most common cancers  
12 in men and women.

13 (2) Routine examination and screening programs increase  
14 the prevention and detection of early-stage cancers.

15 (3) Many cancer prevention and early detection programs  
16 have proven to be cost effective and key to reducing cancer  
17 morbidity and mortality.

1           (4) Current Centers for Disease Control and Prevention  
2 and American Cancer Society guidelines call for a colonoscopy  
3 every ten years for those 50 years of age or older and  
4 recommend more frequent examinations for those at a higher  
5 risk.

6           (5) Early detection of cancer may significantly increase  
7 the chance of survival.

8 Section 3. Definitions.

9           The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12           "Colonoscopy." An examination of the rectum and the entire  
13 colon using a lighted instrument called a colonoscope.

14           "Colorectal cancer screening." Any of the following  
15 procedures that are furnished to an individual for the purpose  
16 of early detection of colorectal cancer:

17           (1) Screening fecal-occult blood test.

18           (2) Screening flexible sigmoidoscopy.

19           (3) Screening colonoscopy, in the case of a high-risk  
20 individual.

21           (4) Screening barium enema, if medically necessary, as  
22 an alternative to screening flexible sigmoidoscopy or  
23 screening colonoscopy.

24           (5) Such other procedures as the Department of Health  
25 deems appropriate in accordance with this act.

26           "Department." The Department of Health of the Commonwealth.

27 Section 4. Coverage for colorectal cancer screening.

28           (a) General rule.--Except as provided for in subsection (e),  
29 all health care policies that are delivered, issued for  
30 delivery, continued or renewed on or after the effective date of

1 this section, and providing coverage to any resident of this  
2 Commonwealth shall provide benefits or coverage for colorectal  
3 cancer examinations and laboratory tests for cancer for any  
4 nonsymptomatic covered individual, in accordance with the most  
5 recently published American Cancer Society guidelines for  
6 colorectal cancer screening for a covered individual who is:

7 (1) Fifty years of age or older.

8 (2) Under 50 years of age and at high risk for  
9 colorectal cancer according to the most recently published  
10 colorectal cancer screening guidelines of the American Cancer  
11 Society.

12 (b) Method of screening.--The group health plan or health  
13 insurance issuer shall cover the method and frequency of  
14 colorectal cancer screening deemed appropriate by a health care  
15 provider treating a participant or beneficiary, in consultation  
16 with the participant or beneficiary.

17 (c) Requirements.--The coverage required under this section  
18 must meet the following requirements:

19 (1) To encourage colorectal cancer screenings, patients  
20 and health care providers must not be required to meet  
21 burdensome criteria or overcome significant obstacles to  
22 secure such coverage.

23 (2) An individual shall not be required to pay an  
24 additional deductible or coinsurance for testing that is  
25 greater than an annual deductible or coinsurance established  
26 for similar benefits. If the program or contract does not  
27 cover a similar benefit, a deductible or coinsurance may not  
28 be set at a level that materially diminishes the value of the  
29 colorectal cancer benefit required.

30 (d) Notice.--A group health plan covered under this act

1 shall comply with all relevant notice requirement rules.

2 (e) Exceptions.--The provisions of subsection (a) shall not  
3 apply to the following types of insurance:

4 (1) Hospital indemnity.

5 (2) Accident.

6 (3) Specified disease.

7 (4) Disability income.

8 (5) Dental.

9 (6) Vision.

10 (7) Civilian Health and Medical Program of the Uniformed  
11 Services (CHAMPUS) Supplement.

12 (8) Medicare supplement.

13 (9) Long-term care.

14 (10) Other limited benefit insurance plans.

15 Section 5. Insurance coverage standards.

16 (a) Referrals to participating providers.--A group health  
17 plan or health insurance issuer is not required under this act  
18 to provide for a referral to a nonparticipating health care  
19 provider, unless the plan or issuer does not have an appropriate  
20 health care provider that is available and accessible to  
21 administer the screening exam and that is a participating health  
22 care provider with respect to such treatment.

23 (b) Treatment of nonparticipating providers.--If a plan or  
24 issuer refers an individual to a nonparticipating health care  
25 provider pursuant to this section, services provided pursuant to  
26 the approved screening exam or resulting treatment, if any,  
27 shall be provided at no additional cost to the individual beyond  
28 what the individual would otherwise pay for services received by  
29 such a participating health care provider.

30 Section 6. Effective date.

1        This act shall take effect in 60 days.