

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILLNo. **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

SENATOR SCAVELLO, BANKING AND INSURANCE, AS AMENDED,
NOVEMBER 19, 2019

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 diagnostic or supplemental magnetic resonance imaging or, if <--
18 such imaging is not possible, ultrasound if recommended by a <--
19 licensed THE TREATING physician because the woman is believed to <--
20 be at an increased risk for breast cancer due to:

21 ~~(1) family history or personal history of breast cancer <--~~
22 ~~or prior atypical breast biopsy;~~

23 ~~(2) positive genetic testing; or~~

24 ~~(3) heterogeneously dense or extremely dense breast~~
25 ~~tissue based on the Breast Imaging and Reporting Data System~~
26 ~~established by the American College of Radiology.~~

27 (1) PERSONAL HISTORY OF ATYPICAL BREAST HISTOLOGIES; <--

28 (2) PERSONAL OR FAMILY HISTORY OR GENETIC PREDISPOSITION FOR
29 BREAST CANCER;

30 (3) PRIOR THERAPEUTIC THORACIC RADIATION THERAPY;

1 (4) HETEROGENEOUSLY DENSE BREAST TISSUE BASED ON BREAST
2 COMPOSITION CATEGORIES OF THE BREAST IMAGING AND REPORTING DATA
3 SYSTEM ESTABLISHED BY THE AMERICAN COLLEGE OF RADIOLOGY WITH ANY
4 ONE OF THE FOLLOWING RISK FACTORS:

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

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

8 (III) FIRST-DEGREE RELATIVE WITH A BRCA1 OR BRCA2 GENE
9 MUTATION BUT NOT HAVING HAD GENETIC TESTING THEMSELVES;

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

12 (V) PERSONAL HISTORY OF LI-FRAUMENI SYNDROME, COWDEN
13 SYNDROME OR BANNAYAN-RILEY-RUVALCABA SYNDROME OR A FIRST-DEGREE
14 RELATIVE WITH ONE OF THESE SYNDROMES; OR

15 (5) EXTREMELY DENSE BREAST TISSUE BASED ON BREAST
16 COMPOSITION CATEGORIES OF THE BREAST IMAGING AND REPORTING DATA
17 SYSTEM ESTABLISHED BY THE AMERICAN COLLEGE OF RADIOLOGY.

18 Prior to payment for a screening mammogram, insurers shall
19 verify that the screening mammography service provider is
20 properly licensed by the department in accordance with the act
21 of July 9, 1992 (P.L.449, No.93), known as the "Mammography
22 Quality Assurance Act." Nothing in this section shall be
23 construed to require an insurer to cover the surgical procedure
24 known as mastectomy or to prevent application of deductible or
25 copayment provisions contained in the policy or plan EXCEPT AS <--
26 PREEMPTED BY FEDERAL LAW.

27 (b) This section shall not apply to the following types of
28 policies:

29 (1) Accident only.

30 (2) Limited benefit.

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

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13 SECTION 2. THIS ACT SHALL APPLY AS FOLLOWS:

14 (1) FOR HEALTH INSURANCE POLICIES FOR WHICH EITHER RATES
15 OR FORMS ARE REQUIRED TO BE FILED WITH THE FEDERAL GOVERNMENT
16 OR THE INSURANCE DEPARTMENT, THIS ACT SHALL APPLY TO ANY
17 POLICY FOR WHICH A FORM OR RATE IS FIRST FILED ON OR AFTER
18 THE EFFECTIVE DATE OF THIS SECTION.

19 (2) FOR HEALTH INSURANCE POLICIES FOR WHICH NEITHER
20 RATES NOR FORMS ARE REQUIRED TO BE FILED WITH THE FEDERAL
21 GOVERNMENT OR THE INSURANCE DEPARTMENT, THIS ACT SHALL APPLY
22 TO ANY POLICY ISSUED OR RENEWED ON OR AFTER 180 DAYS AFTER
23 THE EFFECTIVE DATE OF THIS SECTION.

24 Section ~~2~~ 3. This act shall take effect in 60 days.

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