

2019 -- H 5567

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO HEALTH AND SAFETY -- THE BREAST CANCER ACT

Introduced By: Representatives Solomon, Phillips, Johnston, Casimiro, and Edwards

Date Introduced: February 27, 2019

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-12.7-3 of the General Laws in Chapter 23-12.7 entitled "The
2 Breast Cancer Act" is hereby amended to read as follows:

3 **23-12.7-3. Program established.**

4 (a) Through funding from the Rhode Island Cancer Council, the Rhode Island department
5 of health is required to establish a program of free mammography [and digital breast](#)
6 [tomosynthesis \(dbt\)](#) screening according to American Cancer Society standards, and, where
7 required, follow-up, diagnostic testing, and case management for women in the state who are
8 uninsured or underinsured.

9 (b) The screening program shall:

10 (1) Secure radiology facilities to participate in the screening program;

11 (2) Pay for screening mammograms [and digital breast tomosynthesis \(dbt\) screenings](#);

12 (3) Ensure that screening results are sent directly to the patient in a timely manner;

13 (4) Provide diagnostic tests as required to diagnose breast cancer;

14 (5) Provide case management facilitating appropriate contact to breast surgeons, medical
15 oncologists, and radiation oncologists; and

16 (6) Provide follow-up support to women who are found to have breast cancer as a result
17 of this screening program.

18 (c) The director of the Rhode Island department of health is required to provide a
19 quarterly report to the general assembly on the program of free mammography screening, follow

1 up diagnostic testing and case management, and public education. An advisory committee
2 concerned with advocacy, outreach, and public education shall meet on a quarterly basis and
3 report to the director.

4 SECTION 2. Section 23-12.9-2 of the General Laws in Chapter 23-12.9 entitled "Dense
5 Breast Notification and Education" is hereby amended to read as follows:

6 **23-12.9-2. Public policy goals -- Department of health.**

7 The department of health, through the Rhode Island Cancer Council, is authorized and
8 mandated to implement the following public health policy goals as they relate to dense breast
9 notification in Rhode Island. Commencing on October 1, 2014, all health care facilities that
10 perform mammography examinations [and digital breast tomosynthesis \(dbt\) screenings](#) shall
11 include in the summary of the mammography report to be provided to a patient, information that
12 identifies the patient's individual Breast Tissue Classification based on the Breast Imaging
13 Reporting and Data System established by the American College of Radiology. If the facility
14 determines that a patient has heterogeneously or extremely dense breasts, the summary of the
15 mammography report shall also include the following notice:

16 "Your mammogram indicates that you have dense breast tissue. Dense breast tissue is
17 relatively common and is found in about forty percent (40%) of women. The presence of dense
18 tissue can make it more difficult to detect cancers in the breast by mammography because it can
19 hide small abnormalities and may be associated with an increased risk. Hence, you may benefit
20 from supplementary screening tests, which may include a breast ultrasound screening, or a breast
21 MRI examination, or both, depending on your individual risk factors.

22 We are providing this information to raise your awareness of this important factor and to
23 encourage you to discuss your dense breast tissue, as well as other breast cancer risk factors, with
24 your health care provider. Together, you can decide which screening options are right for you.

25 A report of your results was sent to your physician. You should contact your physician if
26 you have any questions or concerns about this report."

27 SECTION 3. Section 23-17-32 of the General Laws in Chapter 23-17 entitled "Licensing
28 of Health-Care Facilities" is hereby amended to read as follows:

29 **23-17-32. ~~Mammograms -- Quality assurance standards~~ Mammograms and digital**
30 **breast tomosynthesis (dbt) -- Quality assurance standards.**

31 Any licensed health care facility performing a mammogram shall meet state-approved
32 quality assurance standards for taking and processing mammograms [and digital breast](#)
33 [tomosynthesis \(dbt\) screenings](#). The director of health shall have the authority to promulgate rules
34 and regulations necessary to carry out the provisions of this section.

1 SECTION 4. Section 27-18-41 of the General Laws in Chapter 27-18 entitled "Accident
2 and Sickness Insurance Policies" is hereby amended to read as follows:

3 ~~27-18-41. Mammograms and pap smears -- Coverage mandated~~ **Mammograms,**
4 **digital breast tomosynthesis (dbt) and pap smears -- Coverage mandated.**

5 (a)(1) Every individual or group hospital or medical expense insurance policy or
6 individual or group hospital or medical services plan contract delivered, issued for delivery, or
7 renewed in this state shall provide coverage for mammograms, and digital breast tomosynthesis
8 (dbt) screenings, and pap smears, in accordance with guidelines established by the American
9 Cancer Society.

10 (2) Notwithstanding the provisions of this chapter, every individual or group hospital or
11 medical insurance policy or individual or group hospital or medical services plan contract
12 delivered, issued for delivery, or renewed in this state shall pay for two (2) screening
13 mammograms per year when recommended by a physician for women who have been treated for
14 breast cancer within the last five (5) years or are at high risk of developing breast cancer due to
15 genetic predisposition (BRCA gene mutation or multiple first degree relatives) or high risk lesion
16 on prior biopsy (lobular carcinoma in situ) or atypical ductal hyperplasia.

17 (b) This section shall not apply to insurance coverage providing benefits for: (1) hospital
18 confinement indemnity; (2) disability income; (3) accident only; (4) long term care; (5) Medicare
19 supplement; (6) limited benefit health; (7) specified disease indemnity; (8) sickness or bodily
20 injury or death by accident or both; and (9) other limited benefit policies.

21 SECTION 5. Section 27-19-20 of the General Laws in Chapter 27-19 entitled "Nonprofit
22 Hospital Service Corporations" is hereby amended to read as follows:

23 ~~27-19-20. Mammograms and pap smears -- Coverage mandated~~ **Mammograms,**
24 **digital breast tomosynthesis (dbt) and pap smears -- Coverage mandated.**

25 (a) Subscribers to any nonprofit hospital service plan shall be afforded coverage under
26 the plan for mammograms, and digital breast tomosynthesis (dbt) screenings, and pap smears, in
27 accordance with guidelines established by the American Cancer Society.

28 (b) Notwithstanding the provisions of this chapter, subscribers to any nonprofit hospital
29 service plan shall be afforded coverage for two (2) screening mammograms per year when
30 recommended by a physician for women who have been treated for breast cancer within the last
31 five (5) years or who are at high risk of developing breast cancer due to genetic predisposition
32 (BRCA gene mutation or multiple first degree relatives) or high risk lesion on prior biopsy
33 (lobular carcinoma in situ) or atypical ductal hyperplasia.

34 SECTION 6. Section 27-20-17 of the General Laws in Chapter 27-20 entitled "Nonprofit

1 Medical Service Corporations" is hereby amended to read as follows:

2 ~~27-20-17. Mammograms and pap smears --- Coverage mandated~~ **Mammograms,**
3 **digital breast tomosynthesis (dbt) and pap smears -- Coverage mandated.**

4 (a) Subscribers to any nonprofit medical service plan shall be afforded coverage under
5 the plan for mammograms, [and digital breast tomosynthesis \(dbt\) screenings](#), and pap smears, in
6 accordance with guidelines established by the American Cancer Society.

7 (b) Notwithstanding the provisions of this chapter, subscribers to any nonprofit medical
8 service plan shall be afforded coverage for two (2) paid screening mammograms per year when
9 recommended by a physician for women who have been treated for breast cancer within the last
10 five (5) years or who are at high risk of developing breast cancer due to genetic predisposition
11 (BRCA gene mutation or multiple first degree relatives) or high risk lesion on prior biopsy
12 (lobular carcinoma in situ) or atypical ductal hyperplasia.

13 SECTION 7. Section 27-41-30 of the General Laws in Chapter 27-41 entitled "Health
14 Maintenance Organizations" is hereby amended to read as follows:

15 ~~27-41-30. Mammograms and pap smears --- Coverage mandated~~ **Mammograms,**
16 **digital breast tomosynthesis (dbt) and pap smears -- Coverage mandated.**

17 (a) Subscribers to any health maintenance organization plan shall be afforded coverage
18 under that plan for mammograms, [and digital breast tomosynthesis \(dbt\) screenings](#), and pap
19 smears, in accordance with guidelines established by the American Cancer Society.

20 (b) Notwithstanding the provisions of this chapter, subscribers to any health maintenance
21 organization plan shall be afforded coverage for two (2) paid screening mammograms per year
22 when recommended by a physician for women who have been treated for breast cancer within the
23 last five (5) years or who are at high risk of developing breast cancer due to genetic
24 predisposition (BRCA gene mutation or multiple first degree relatives) or high risk lesion on prior
25 biopsy (lobular carcinoma in situ) or atypical ductal hyperplasia.

26 SECTION 8. Section 42-62-26 of the General Laws in Chapter 42-62 entitled
27 "Catastrophic Health Insurance Plan Act" is hereby amended to read as follows:

28 ~~42-62-26. Mammograms and pap smears --- Coverage mandated~~ **Mammograms,**
29 **digital breast tomosynthesis (dbt) and pap smears -- Coverage mandated.**

30 Any insurer, as defined in this chapter, shall afford health insurance coverage for
31 mammograms, [and digital breast tomosynthesis \(dbt\) screenings](#), and Pap smears, in accordance
32 with guidelines established by the American Cancer Society.

1 SECTION 9. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- THE BREAST CANCER ACT

1 This act would amend the current law so that digital breast tomosynthesis (dbt)
2 screenings are available wherever mammograms are conducted and to provide insurance
3 coverage for such screenings.

4 This act would take effect upon passage.

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