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**By: Delegates Goldwater, Pitkin, Eckardt, Petzold, Grosfeld, Walkup, Frush, Kirk,  
Nathan-Pulliam, Bobo, and Kopp**

Introduced and read first time: January 18, 1996

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Osteoporosis Prevention and Treatment Education Act**

3 FOR the purpose of requiring certain health insurers to provide coverage for certain  
4 individuals for reimbursement for a certain procedure used to identify bone mass or  
5 detect bone loss for the prevention, diagnosis, and treatment of osteoporosis;  
6 requiring certain health insurers to identify and use certain materials for certain  
7 purposes; providing for the application of this Act; defining certain terms; and  
8 generally relating to requiring certain health insurers to provide certain coverage for  
9 certain individuals for a certain procedure used to identify bone mass or detect bone  
10 loss for the prevention, diagnosis, and treatment of osteoporosis.

11 BY adding to

12 Article 48A - Insurance Code  
13 Section 354RR, 470HH, and 477RR  
14 Annotated Code of Maryland  
15 (1994 Replacement Volume and 1995 Supplement)

16 Preamble

17 WHEREAS, 25 million Americans are stricken with osteoporosis - a preventable  
18 disorder that occurs most frequently among older people, causing loss of bone mass; and

19 WHEREAS, Experts estimate that, in the United States, one in two women and one  
20 in five men will suffer a bone fracture because of osteoporosis; and

21 WHEREAS, Nationally, osteoporosis results in 1.5 million fractures of the hip,  
22 spine, wrist, and other bones, with a cost of at least \$18 million in health care and  
23 associated expenses; and

24 WHEREAS, Osteoporosis progresses silently and in most cases goes undiagnosed  
25 until a fracture occurs; once a fracture occurs, the disease is already advanced, and the  
26 likelihood is high that another fracture will occur; and

27 WHEREAS, Because osteoporosis progresses silently and currently has no cure,  
28 prevention, early diagnosis, and treatment are key to reducing the prevalence and  
29 devastation of this disease; and

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1 WHEREAS, Medical experts agree that osteoporosis is preventable and treatable,  
2 however, once the disease progresses to the point of fracture its associated consequences  
3 often lead to disability and institutionalization, and exact a heavy toll on quality of life;  
4 and

5 WHEREAS, Given the current national focus on health care reform and reducing  
6 unnecessary health care expenditures through the use of health promotion/disease  
7 prevention programs, mandating coverage of services, such as bone mass measurement,  
8 related to prevention, early diagnosis, and timely treatment of osteoporosis is a  
9 cost-effective approach for states to embrace; and

10 WHEREAS, Bone mass measurement is a reliable way to detect the presence of low  
11 bone mass and to ascertain the extent of bone loss to help assess an individual's risk for  
12 fracture, and this aids in selecting appropriate therapies and interventions; and

13 WHEREAS, Ordinary X-rays are not sensitive enough to detect osteoporosis until  
14 25% to 40% of bone mass has been lost and the disease is far advanced; and

15 WHEREAS, Currently available technologies for bone mass measurement include:  
16 single- and dual-photon absorptiometry, single- and dual-energy X-ray absorptiometry,  
17 quantitative computed tomography, and radiographic absorptiometry; and

18 WHEREAS, Other technologies for measuring bone mass are under investigation  
19 and may become scientifically proven technologies in the future; and

20 WHEREAS, Scientifically proven technologies for bone mass measurement and  
21 other services related to the prevention, diagnosis, and treatment of osteoporosis can be  
22 used effectively to reduce the pain and financial burden that osteoporosis inflicts upon its  
23 victims; now, therefore,

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

26 **Article 48A - Insurance Code**

27 354RR.

28 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
29 INDICATED.

30 (2) "BONE MASS MEASUREMENT" MEANS A RADIOLOGIC OR  
31 RADIOISOTOPIC PROCEDURE OR OTHER SCIENTIFICALLY PROVEN TECHNOLOGY  
32 PERFORMED ON A QUALIFIED INDIVIDUAL FOR THE PURPOSE OF IDENTIFYING  
33 BONE MASS OR DETECTING BONE LOSS.

34 (3) "QUALIFIED INDIVIDUAL" MEANS:

35 (I) AN ESTROGEN DEFICIENT WOMAN AT CLINICAL RISK FOR  
36 OSTEOPOROSIS;

37 (II) AN INDIVIDUAL WITH VERTEBRAL ABNORMALITIES;

38 (III) AN INDIVIDUAL RECEIVING LONG-TERM GLUCOCORTICOID  
39 (STEROID) THERAPY;

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1 (IV) AN INDIVIDUAL WITH PRIMARY HYPERPARATHYROIDISM; OR

2 (V) AN INDIVIDUAL BEING MONITORED TO ASSESS THE RESPONSE  
3 TO OR EFFICACY OF AN APPROVED OSTEOPOROSIS DRUG THERAPY.

4 (B) EACH NONPROFIT HEALTH SERVICE PLAN THAT DELIVERS OR ISSUES  
5 FOR DELIVERY IN THE STATE A HEALTH INSURANCE POLICY OR CONTRACT ON A  
6 GROUP OR INDIVIDUAL BASIS THAT PROVIDES HOSPITAL, MEDICAL, OR SURGICAL  
7 BENEFITS ON AN EXPENSE-INCURRED BASIS SHALL INCLUDE COVERAGE FOR  
8 QUALIFIED INDIVIDUALS FOR REIMBURSEMENT FOR BONE MASS MEASUREMENT  
9 FOR THE PREVENTION, DIAGNOSIS, AND TREATMENT OF OSTEOPOROSIS.

10 (C) EACH NONPROFIT HEALTH SERVICE PLAN SHALL IDENTIFY AND USE THE  
11 MOST CURRENT AND SCIENTIFICALLY ACCURATE EDUCATIONAL MATERIALS TO:

12 (1) INCREASE AWARENESS AND KNOWLEDGE BY THEIR INSUREDS AND  
13 QUALIFIED INDIVIDUALS OF OSTEOPOROSIS AND METHODS OF DIAGNOSING  
14 OSTEOPOROSIS, INCLUDING BONE MASS MEASUREMENT; AND

15 (2) ENCOURAGE THE TREATMENT AND PREVENTION OF  
16 OSTEOPOROSIS.

17 470HH.

18 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
19 INDICATED.

20 (2) "BONE MASS MEASUREMENT" MEANS A RADIOLOGIC OR  
21 RADIOISOTOPIC PROCEDURE OR OTHER SCIENTIFICALLY PROVEN TECHNOLOGY  
22 PERFORMED ON A QUALIFIED INDIVIDUAL FOR THE PURPOSE OF IDENTIFYING  
23 BONE MASS OR DETECTING BONE LOSS.

24 (3) "QUALIFIED INDIVIDUAL" MEANS:

25 (I) AN ESTROGEN DEFICIENT WOMAN AT CLINICAL RISK FOR  
26 OSTEOPOROSIS;

27 (II) AN INDIVIDUAL WITH VERTEBRAL ABNORMALITIES;

28 (III) AN INDIVIDUAL RECEIVING LONG-TERM GLUCOCORTICOID  
29 (STEROID) THERAPY;

30 (IV) AN INDIVIDUAL WITH PRIMARY HYPERPARATHYROIDISM; OR

31 (V) AN INDIVIDUAL BEING MONITORED TO ASSESS THE RESPONSE  
32 TO OR EFFICACY OF AN APPROVED OSTEOPOROSIS DRUG THERAPY.

33 (B) EACH HOSPITAL OR MAJOR MEDICAL INSURANCE POLICY WRITTEN ON  
34 AN EXPENSE-INCURRED BASIS THAT IS DELIVERED OR ISSUED FOR DELIVERY IN  
35 THE STATE ON A GROUP OR INDIVIDUAL BASIS SHALL INCLUDE COVERAGE FOR  
36 QUALIFIED INDIVIDUALS FOR REIMBURSEMENT FOR BONE MASS MEASUREMENT  
37 FOR THE PREVENTION, DIAGNOSIS, AND TREATMENT OF OSTEOPOROSIS.

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1 (C) EACH HOSPITAL OR MAJOR MEDICAL INSURER SHALL IDENTIFY AND USE  
2 THE MOST CURRENT AND SCIENTIFICALLY ACCURATE EDUCATIONAL MATERIALS  
3 TO:

4 (1) INCREASE AWARENESS AND KNOWLEDGE BY THEIR INSUREDS AND  
5 QUALIFIED INDIVIDUALS OF OSTEOPOROSIS AND METHODS OF DIAGNOSING  
6 OSTEOPOROSIS, INCLUDING BONE MASS MEASUREMENT; AND

7 (2) ENCOURAGE THE TREATMENT AND PREVENTION OF  
8 OSTEOPOROSIS.

9 477RR.

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
11 INDICATED.

12 (2) "BONE MASS MEASUREMENT" MEANS A RADIOLOGIC OR  
13 RADIOISOTOPIC PROCEDURE OR OTHER SCIENTIFICALLY PROVEN TECHNOLOGY  
14 PERFORMED ON A QUALIFIED INDIVIDUAL FOR THE PURPOSE OF IDENTIFYING  
15 BONE MASS OR DETECTING BONE LOSS.

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20 (III) AN INDIVIDUAL RECEIVING LONG-TERM GLUCOCORTICOID  
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22 (IV) AN INDIVIDUAL WITH PRIMARY HYPERPARATHYROIDISM; OR

23 (V) AN INDIVIDUAL BEING MONITORED TO ASSESS THE RESPONSE  
24 TO OR EFFICACY OF AN APPROVED OSTEOPOROSIS DRUG THERAPY.

25 (B) EACH GROUP OR BLANKET HEALTH INSURANCE POLICY WRITTEN ON AN  
26 EXPENSE-INCURRED BASIS THAT IS DELIVERED OR ISSUED FOR DELIVERY IN THE  
27 STATE SHALL INCLUDE COVERAGE FOR QUALIFIED INDIVIDUALS FOR  
28 REIMBURSEMENT FOR BONE MASS MEASUREMENT FOR THE PREVENTION,  
29 DIAGNOSIS, AND TREATMENT OF OSTEOPOROSIS.

30 (C) EACH GROUP OR BLANKET HEALTH INSURER SHALL IDENTIFY AND USE  
31 THE MOST CURRENT AND SCIENTIFICALLY ACCURATE EDUCATIONAL MATERIALS  
32 TO:

33 (1) INCREASE AWARENESS AND KNOWLEDGE BY THEIR INSUREDS AND  
34 QUALIFIED INDIVIDUALS OF OSTEOPOROSIS AND METHODS OF DIAGNOSING  
35 OSTEOPOROSIS, INCLUDING BONE MASS MEASUREMENT; AND

36 (2) ENCOURAGE THE TREATMENT AND PREVENTION OF  
37 OSTEOPOROSIS.

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1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to  
2 policies, contracts, or certificates issued, delivered, or renewed on or after October 1,  
3 1996.

4           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 1996.