

# HOUSE BILL 405

C3, P4

9lr1322

---

By: **Delegates Pena-Melnyk, Ali, Benson, Braveboy, Bromwell, Costa, Donoghue, Elliott, Hubbard, Ivey, Kach, Kipke, Kullen, Levi, McDonough, Montgomery, Morhaim, Nathan-Pulliam, Oaks, Reznik, Riley, Tarrant, V. Turner, Valderrama, and Weldon**

Introduced and read first time: February 2, 2009

Assigned to: Health and Government Operations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Mandated Benefits – Breast Cancer Screening**

3 FOR the purpose of requiring certain insurers, nonprofit health service plans, health  
4 maintenance organizations, and the State Employee and Retiree Health and  
5 Welfare Benefits Program to provide coverage for breast cancer screening in  
6 accordance with certain guidelines; repealing certain requirements for coverage  
7 of certain mammograms by certain insurance policies and nonprofit health  
8 service plans; repealing a certain definition; making certain requirements  
9 applicable to health maintenance organizations; making certain conforming  
10 changes; providing for the applicability of this Act; and generally relating to  
11 health insurance coverage for breast cancer screening.

12 BY repealing and reenacting, with amendments,  
13 Article – Insurance  
14 Section 15–814  
15 Annotated Code of Maryland  
16 (2006 Replacement Volume and 2008 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – State Personnel and Pensions  
19 Section 2–502 and 2–503(b)  
20 Annotated Code of Maryland  
21 (2004 Replacement Volume and 2008 Supplement)

22 BY repealing and reenacting, without amendments,  
23 Article – State Personnel and Pensions  
24 Section 2–503(a)  
25 Annotated Code of Maryland

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2004 Replacement Volume and 2008 Supplement)

BY adding to

Article – Health – General

Section 19–706(ttt)

Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

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

**Article – Insurance**

15–814.

(a) [In this section, “mammogram” means an x-ray examination of the breast using dedicated equipment, including an x-ray tube, filter, compression device, screens, films, and cassettes, specifically for mammography that delivers an average radiation exposure of less than one rad mid–breast with two views for each breast.

(b)] This section applies to [each individual hospital or major medical insurance policy, group or blanket health insurance policy, and nonprofit health service plan that is delivered or issued for delivery in the State and is written on an expense–incurred basis]:

**(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS ON AN EXPENSE–INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND**

**(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE HOSPITAL, MEDICAL, OR SURGICAL BENEFITS TO INDIVIDUALS OR GROUPS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.**

[(c)] **(B)** [A policy or plan] **AN ENTITY** subject to this section shall provide coverage for[:

(1) a baseline mammogram for women who are 35 to 39 years old;

(2) a mammogram every 2 years, or more frequently if recommended by a physician, for women who are 40 to 49 years old; and

(3) an annual mammogram for women who are at least 50 years old]  
**BREAST CANCER SCREENING IN ACCORDANCE WITH THE LATEST SCREENING GUIDELINES ISSUED BY THE AMERICAN CANCER SOCIETY.**

1           [(d)] (C)     [A policy or plan] **AN ENTITY** subject to this section is not required  
2 to cover [screening mammograms] **BREAST CANCER SCREENINGS** used to identify  
3 breast cancer in asymptomatic women that are provided by a facility that is not  
4 accredited by the American College of Radiology or certified or licensed under a  
5 program established by the State.

6           [(e)] (D)     (1)   [A policy or plan] **AN ENTITY** subject to this section may not  
7 impose a deductible on the coverage required under this section.

8                       (2)   Each health insurance policy and certificate **ISSUED BY AN**  
9 **ENTITY SUBJECT TO THIS SECTION** shall contain a notice of the prohibition  
10 established by paragraph (1) of this subsection in a form approved by the  
11 Commissioner.

## 12                               **Article – State Personnel and Pensions**

13   2–502.

14           (a)   There is a State Employee and Retiree Health and Welfare Benefits  
15 Program, to be developed and administered by the Secretary.

16           (b)   (1)   The Program:

17                       (i)   subject to the regulations adopted under § 2–503 of this  
18 subtitle, shall encompass all units in the Executive, Judicial, and Legislative branches  
19 of State government, including any unit with an independent personnel system;

20                       (ii)   **SUBJECT TO SUBSECTION (C) OF THIS SECTION**, shall  
21 include the health insurance benefit options established by the Secretary; and

22                       (iii)   except as provided in paragraph (2) of this subsection, may  
23 include any other benefit option that the Secretary considers appropriate.

24           (2)   The Program may not contain any of the benefits provided under  
25 Division II or Title 35 or Title 37 of this article.

26           **(C)   THE PROGRAM SHALL PROVIDE COVERAGE FOR BREAST CANCER**  
27 **SCREENING IN ACCORDANCE WITH THE LATEST SCREENING GUIDELINES**  
28 **ISSUED BY THE AMERICAN CANCER SOCIETY.**

29   2–503.

30           (a)   The Secretary shall:

31                       (1)   adopt regulations for the administration of the Program;

