

Chapter 677

(Senate Bill 61)

AN ACT concerning

Health Insurance – Coverage for Digital Tomosynthesis

FOR the purpose of establishing that a certain coverage requirement applicable to certain insurers, nonprofit health service plans, and health maintenance organizations includes coverage for digital tomosynthesis under certain circumstances; prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from imposing a copayment or coinsurance requirement for digital tomosynthesis that is greater than a copayment or coinsurance requirement for other breast cancer screenings for which coverage is required under certain provisions of law; defining a certain term; providing for the application of this Act; making this Act an emergency measure; and generally relating to health insurance coverage for tomosynthesis.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–814
Annotated Code of Maryland
(2011 Replacement Volume and 2016 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, “DIGITAL TOMOSYNTHESIS” MEANS A RADIOLOGIC PROCEDURE THAT INVOLVES THE ACQUISITION OF PROJECTION IMAGES OVER THE STATIONARY BREAST TO PRODUCE CROSS-SECTIONAL DIGITAL THREE-DIMENSIONAL IMAGES OF THE BREAST.

[(a)] (B) This section applies to:

(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.

[(b)] (C) (1) [An] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN entity subject to this section shall provide coverage for breast cancer screening in accordance with the latest screening guidelines issued by the American Cancer Society.

(2) THE COVERAGE REQUIRED UNDER THIS SECTION SHALL INCLUDE COVERAGE FOR DIGITAL TOMOSYNTHESIS THAT, UNDER ACCEPTED STANDARDS IN THE PRACTICE OF MEDICINE, THE TREATING PHYSICIAN DETERMINES IS MEDICALLY APPROPRIATE AND NECESSARY FOR AN ENROLLEE OR INSURED.

[(c)] (D) An entity subject to this section is not required to cover breast cancer screenings used to identify breast cancer in asymptomatic women that are provided by a facility that is not accredited by the American College of Radiology or certified or licensed under a program established by the State.

[(d)] (E) (1) An entity subject to this section may not impose a deductible on the coverage required under this section.

(2) Each health insurance policy and certificate issued by an entity subject to this section shall contain a notice of the prohibition established by paragraph (1) of this subsection in a form approved by the Commissioner.

(3) AN ENTITY SUBJECT TO THIS SECTION MAY NOT IMPOSE A COPAYMENT OR COINSURANCE REQUIREMENT FOR DIGITAL TOMOSYNTHESIS THAT IS GREATER THAN A COPAYMENT OR COINSURANCE REQUIREMENT FOR OTHER BREAST CANCER SCREENINGS FOR WHICH COVERAGE IS REQUIRED UNDER THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after January 1, 2018.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a ye and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

Approved by the Governor, May 25, 2017.