

# HOUSE BILL 376

J5, J4

3lr0562  
CF SB 184

---

By: **Delegates Sample–Hughes, D. Barnes, Bartlett, Fennell, Guzzone, R. Lewis, Patterson, Taveras, Turner, Wilkins, and Woods**

Introduced and read first time: January 26, 2023

Assigned to: Health and Government Operations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Diagnostic and Supplemental Examinations for Breast**  
3 **Cancer – Cost–Sharing**

4 FOR the purpose of prohibiting insurers, nonprofit health service plans, and health  
5 maintenance organizations that provide coverage for diagnostic and supplemental  
6 breast examinations from imposing a copayment, coinsurance, or deductible  
7 requirement for the examination; and generally relating to health insurance and  
8 diagnostic and supplemental examinations for breast cancer.

9 BY adding to

10 Article – Insurance

11 Section 15–814.1

12 Annotated Code of Maryland

13 (2017 Replacement Volume and 2022 Supplement)

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

16 **Article – Insurance**

17 **15–814.1.**

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

20 **(2) (I) “DIAGNOSTIC BREAST EXAMINATION” MEANS A MEDICALLY**  
21 **NECESSARY AND APPROPRIATE EXAMINATION OF THE BREAST THAT IS USED TO**  
22 **EVALUATE AN ABNORMALITY THAT IS:**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   1.    SEEN OR SUSPECTED FROM A PRIOR SCREENING  
2 EXAMINATION FOR BREAST CANCER; OR

3                   2.    DETECTED BY ANOTHER MEANS OF PRIOR  
4 EXAMINATION.

5                   (II) “DIAGNOSTIC BREAST EXAMINATION” INCLUDES AN  
6 EXAMINATION USING DIAGNOSTIC MAMMOGRAPHY, BREAST MAGNETIC RESONANCE  
7 IMAGING, OR BREAST ULTRASOUND.

8                   (3) (I) “SUPPLEMENTAL BREAST EXAMINATION” MEANS A  
9 MEDICALLY NECESSARY EXAMINATION OF THE BREAST THAT IS USED TO SCREEN  
10 FOR BREAST CANCER WHEN:

11                   1.    THERE IS NO ABNORMALITY SEEN OR SUSPECTED  
12 FROM A PRIOR EXAMINATION; AND

13                   2.    THERE IS A PERSONAL OR FAMILY MEDICAL HISTORY  
14 OR ADDITIONAL FACTORS THAT MAY INCREASE AN INDIVIDUAL’S RISK OF BREAST  
15 CANCER.

16                   (II) “SUPPLEMENTAL BREAST EXAMINATION” INCLUDES AN  
17 EXAMINATION USING BREAST MAGNETIC RESONANCE IMAGING OR BREAST  
18 ULTRASOUND.

19                   (B) THIS SECTION APPLIES TO:

20                   (1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT  
21 PROVIDE COVERAGE FOR DIAGNOSTIC BREAST EXAMINATIONS OR SUPPLEMENTAL  
22 BREAST EXAMINATIONS UNDER INDIVIDUAL, GROUP, OR BLANKET HEALTH  
23 INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE  
24 STATE; AND

25                   (2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE  
26 COVERAGE FOR DIAGNOSTIC BREAST EXAMINATIONS OR SUPPLEMENTAL BREAST  
27 EXAMINATIONS UNDER INDIVIDUAL OR GROUP CONTRACTS THAT ARE ISSUED OR  
28 DELIVERED IN THE STATE.

29                   (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN ENTITY  
30 SUBJECT TO THIS SECTION MAY NOT IMPOSE A COPAYMENT, COINSURANCE, OR  
31 DEDUCTIBLE REQUIREMENT ON COVERAGE FOR DIAGNOSTIC BREAST  
32 EXAMINATIONS OR SUPPLEMENTAL BREAST EXAMINATIONS.

1           **(2) IF THE APPLICATION OF PARAGRAPH (1) OF THIS SUBSECTION TO**  
2 **A HEALTH SAVINGS ACCOUNT–QUALIFIED HIGH DEDUCTIBLE HEALTH PLAN WOULD**  
3 **RESULT IN HEALTH SAVINGS ACCOUNT INELIGIBILITY UNDER § 223 OF THE**  
4 **INTERNAL REVENUE CODE, PARAGRAPH (1) OF THIS SUBSECTION SHALL APPLY**  
5 **ONLY WITH RESPECT TO THE DEDUCTIBLE OF THE PLAN AFTER THE ENROLLEE HAS**  
6 **SATISFIED THE MINIMUM DEDUCTIBLE UNDER § 223 OF THE INTERNAL REVENUE**  
7 **CODE.**

8           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all  
9 policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or  
10 after January 1, 2024.

11           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 January 1, 2024.