

SENATE BILL 965

J5, J4, J1

3lr2949
CF HB 815

By: **Senators Benson, Carter, and Lewis Young**

Introduced and read first time: February 27, 2023

Assigned to: Rules

Re-referred to: Finance, March 6, 2023

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 15, 2023

CHAPTER _____

1 AN ACT concerning

2 ~~Breast and Lung Cancer – Establishment of Screening Awareness Program and~~
3 ~~Insurance Coverage and Cost Sharing~~
4 Cancer Screening – Health Insurance and Assessment of Outreach, Education,
5 and Health Disparities

6 FOR the purpose of ~~establishing the Breast and Lung Cancer Screening Awareness~~
7 ~~Program in the Maryland Department of Health~~; requiring insurers, nonprofit
8 health service plans, and health maintenance organizations to provide coverage for
9 ~~breast cancer diagnosis, including diagnostic imaging, and certain lung cancer~~
10 ~~diagnostic imaging and limiting the copayment, coinsurance, or deductible~~
11 ~~requirement that the entities can require for the diagnostic imaging for breast cancer~~
12 ~~and lung cancer screening and diagnosis~~; requiring the Maryland Department of
13 Health to conduct an assessment on certain outreach, education, and health
14 disparities in cancer screening; and generally relating to ~~breast and lung~~ cancer
15 screenings.

16 ~~BY adding to~~
17 ~~Article – Health – General~~
18 ~~Section 13–4801 through 13–4803 to be under the new subtitle “Subtitle 48. Breast~~
19 ~~and Lung Cancer Screening Awareness Program”~~
20 Annotated Code of Maryland
21 ~~(2019 Replacement Volume and 2022 Supplement)~~

22 ~~BY repealing and reenacting, with amendments,~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~Article – Insurance~~
 2 ~~Section 15–814~~
 3 ~~Annotated Code of Maryland~~
 4 ~~(2017 Replacement Volume and 2022 Supplement)~~

5 BY adding to
 6 Article – Insurance
 7 Section 15–859
 8 Annotated Code of Maryland
 9 (2017 Replacement Volume and 2022 Supplement)

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

12 ~~Article – Health – General~~

13 ~~SUBTITLE 48. BREAST AND LUNG CANCER SCREENING AWARENESS PROGRAM.~~

14 ~~13–4801.~~

15 ~~IN THIS SUBTITLE, “PROGRAM” MEANS THE BREAST AND LUNG CANCER~~
 16 ~~SCREENING AWARENESS PROGRAM.~~

17 ~~13–4802.~~

18 ~~(A) THERE IS A BREAST AND LUNG CANCER SCREENING AWARENESS~~
 19 ~~PROGRAM IN THE DEPARTMENT.~~

20 ~~(B) THE PURPOSE OF THE PROGRAM IS TO:~~

21 ~~(1) EDUCATE INDIVIDUALS ABOUT THE IMPORTANCE OF BREAST AND~~
 22 ~~LUNG CANCER SCREENINGS AND INSURANCE BENEFITS THAT INDIVIDUALS MAY~~
 23 ~~HAVE FOR THE SCREENINGS UNDER §§ 15–814 AND 15–859 OF THE INSURANCE~~
 24 ~~ARTICLE; AND~~

25 ~~(2) ASSIST INDIVIDUALS WHO HAVE BEEN RECOMMENDED TO~~
 26 ~~RECEIVE A BREAST OR LUNG CANCER SCREENING BY A HEALTH CARE PROVIDER~~
 27 ~~WITH TRANSPORTATION COSTS ASSOCIATED WITH THE SCREENINGS.~~

28 ~~13–4803.~~

29 ~~THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THE~~
 30 ~~PROGRAM.~~

1 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read~~
2 ~~as follows:~~

3 **Article – Insurance**

4 ~~15-814.~~

5 ~~(a) (1) In this section, [“digital tomosynthesis”] THE FOLLOWING WORDS~~
6 ~~HAVE THE MEANINGS INDICATED.~~

7 ~~(2) “DIAGNOSTIC IMAGING” MEANS AN IMAGING EXAMINATION~~
8 ~~INCLUDING MAMMOGRAPHY, ULTRASOUND IMAGING, MAGNETIC RESONANCE~~
9 ~~IMAGING, IMAGE-GUIDED BREAST BIOPSY, OR OTHER IMAGING, USED TO EVALUATE:~~

10 ~~(I) A SUBJECTIVE OR OBJECTIVE ABNORMALITY DETECTED BY~~
11 ~~A PHYSICIAN OR PATIENT IN A BREAST;~~

12 ~~(II) AN ABNORMALITY SEEN BY A PHYSICIAN ON A SCREENING~~
13 ~~MAMMOGRAM;~~

14 ~~(III) AN ABNORMALITY PREVIOUSLY IDENTIFIED BY A PHYSICIAN~~
15 ~~AS PROBABLY BENIGN IN A BREAST FOR WHICH FOLLOW-UP IMAGING IS~~
16 ~~RECOMMENDED BY A PHYSICIAN; OR~~

17 ~~(IV) AN INDIVIDUAL WITH A PERSONAL HISTORY OF BREAST~~
18 ~~CANCER OR DENSE BREAST TISSUE.~~

19 ~~(3) “DIGITAL TOMOSYNTHESIS” means a radiologic procedure that~~
20 ~~involves the acquisition of projection images over the stationary breast to produce~~
21 ~~cross-sectional digital three-dimensional images of the breast.~~

22 ~~(b) This section applies to:~~

23 ~~(1) insurers and nonprofit health service plans that provide hospital,~~
24 ~~medical, or surgical benefits to individuals or groups on an expense-incurred basis under~~
25 ~~health insurance policies or contracts that are issued or delivered in the State; and~~

26 ~~(2) health maintenance organizations that provide hospital, medical, or~~
27 ~~surgical benefits to individuals or groups under contracts that are issued or delivered in~~
28 ~~the State.~~

29 ~~(c) (1) Subject to paragraph (2) of this subsection, an entity subject to this~~
30 ~~section shall provide coverage for breast cancer screening AND DIAGNOSIS in accordance~~
31 ~~with the latest screening AND DIAGNOSTIC guidelines issued by the American Cancer~~
32 ~~Society.~~

~~(2) The coverage required under this section shall include coverage for digital tomosynthesis AND DIAGNOSTIC IMAGING that, under accepted standards in the practice of medicine, the [treating physician] HEALTH CARE PROVIDER determines is medically appropriate and necessary for an enrollee or insured.~~

~~(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.~~

~~(e) (1) [An] SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, 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 OR DIAGNOSTIC IMAGING that is greater than a copayment or coinsurance requirement for other breast cancer screenings for which coverage is required under this section.~~

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

15-859.

(A) 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.

1 (B) (1) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE
2 COVERAGE FOR RECOMMENDED FOLLOW-UP DIAGNOSTIC IMAGING TO ASSIST IN
3 THE DIAGNOSIS OF LUNG CANCER FOR INDIVIDUALS FOR WHICH LUNG CANCER
4 SCREENING IS RECOMMENDED BY THE U.S. PREVENTATIVE SERVICES TASK
5 FORCE.

6 (2) THE COVERAGE REQUIRED UNDER PARAGRAPH (1) OF THIS
7 SUBSECTION SHALL INCLUDE DIAGNOSTIC ULTRASOUND, MAGNETIC RESONANCE
8 IMAGING, COMPUTED TOMOGRAPHY, AND IMAGE-GUIDED BIOPSY.

9 (C) (1) ~~SUBJECT TO~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
10 SUBSECTION, AN ENTITY SUBJECT TO THIS SECTION MAY NOT IMPOSE A
11 COPAYMENT, COINSURANCE, OR DEDUCTIBLE REQUIREMENT ON COVERAGE FOR
12 LUNG CANCER SCREENING AND DIAGNOSIS THAT IS GREATER THAN THE COPAY ~~OR~~
13 ~~COINSURANCE, COINSURANCE, OR DEDUCTIBLE~~ REQUIREMENT FOR BREAST
14 CANCER SCREENING AND DIAGNOSIS.

15 (2) ~~IF THE APPLICATION OF PARAGRAPH (1) OF THIS SUBSECTION TO~~
16 ~~A HEALTH SAVINGS ACCOUNT QUALIFIED HIGH DEDUCTIBLE HEALTH PLAN WOULD~~
17 ~~RESULT IN HEALTH SAVINGS ACCOUNT INELIGIBILITY UNDER § 223 OF THE~~
18 ~~INTERNAL REVENUE CODE, PARAGRAPH (1) OF THIS SUBSECTION SHALL APPLY~~
19 ~~ONLY WITH RESPECT TO THE DEDUCTIBLE OF THE PLAN AFTER THE ENROLLEE HAS~~
20 ~~SATISFIED THE MINIMUM DEDUCTIBLE UNDER § 223 OF THE INTERNAL REVENUE~~
21 ~~CODE~~ IF AN INSURED OR ENROLLEE IS COVERED UNDER A HIGH-DEDUCTIBLE
22 HEALTH PLAN, AS DEFINED IN 26 U.S.C. § 223, AN ENTITY SUBJECT TO THIS
23 SECTION MAY SUBJECT FOLLOW-UP DIAGNOSTIC LUNG IMAGING TO THE
24 DEDUCTIBLE REQUIREMENT OF THE HIGH-DEDUCTIBLE HEALTH PLAN.

25 SECTION 2. AND BE IT FURTHER ENACTED, That:

26 (a) The Maryland Department of Health shall conduct an assessment on current
27 outreach, education, and health disparities in cancer screening, including the availability
28 of biomarker testing, in the State.

29 (b) The assessment required under subsection (a) of this section shall include an
30 examination of current programs overseen by the Department and local health
31 departments.

32 (c) (1) In conducting the assessment required under subsection (a) of this
33 section, the Department shall establish a stakeholder workgroup to advise on the current
34 state of cancer screening in the State and make recommendations on the development of
35 an outreach plan to educate communities negatively impacted by health disparities in
36 cancer screening and cancer care.

1 (2) The stakeholder workgroup established under paragraph (1) of this
 2 subsection shall include:

3 (i) representatives of communities traditionally underserved by the
 4 health care system;

5 (ii) representatives of organizations, networks, or associations of
 6 health care professionals that are composed of a majority of Black and Indigenous people
 7 of color; and

8 (iii) representatives of religious organizations, health educators,
 9 community health workers, and peer outreach workers with experience in engaging
 10 communities of color in health care.

11 (d) On or before January 1, 2024, the Department shall report to the General
 12 Assembly, in accordance with § 2-1257 of the State Government Article, on the assessment
 13 required under subsection (a) of this section.

14 SECTION 3. AND BE IT FURTHER ENACTED, That Section ~~2~~ 1 of this Act shall
 15 apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the
 16 State on or after January 1, 2024.

17 SECTION 4. AND BE IT FURTHER ENACTED, That Section ~~2~~ 1 of this Act shall
 18 take effect January 1, 2024.

19 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section
 20 4 of this Act, this Act shall take effect ~~October~~ July 1, 2023.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.