

# HOUSE BILL 1259

J5, J4

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By: ~~Delegates Alston and Fennell~~, Fennell, Bagnall, Bhandari, Chisholm, Cullison, Guzzone, Hill, Hutchinson, S. Johnson, Kaiser, Kerr, Kipke, R. Lewis, Lopez, Martinez, M. Morgan, Pena-Melnyk, Reilly, Rosenberg, Szeliga, Taveras, White Holland, and Woods

Introduced and read first time: February 8, 2024

Assigned to: Health and Government Operations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2024

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Health Insurance – Breast and Lung Cancer Screening – Coverage**  
3 **Requirements**

4 FOR the purpose of including image-guided breast biopsy in the definition of  
5 “supplemental breast examination” for the purpose of certain provisions of law  
6 requiring certain insurers, health service plans, and health maintenance  
7 organizations to provide coverage for supplemental breast examinations; clarifying  
8 that certain coverage requirements for lung cancer screening apply to follow-up  
9 diagnostic imaging; prohibiting certain insurers, health service plans, and health  
10 maintenance organizations from requiring prior authorization for required coverage  
11 for lung cancer screening or follow-up diagnostic imaging; and generally relating to  
12 health insurance and breast and lung cancer screening.

13 BY repealing and reenacting, with amendments,  
14 Article – Insurance  
15 Section 15–814.1 and 15–860  
16 Annotated Code of Maryland  
17 (2017 Replacement Volume and 2023 Supplement)

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

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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.



## Article – Insurance

15–814.1.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Diagnostic breast examination” means a medically necessary and appropriate examination of the breast that is used to evaluate an abnormality that is:

1. seen or suspected from a prior screening examination for breast cancer; or

2. detected by another means of prior examination.

(ii) “Diagnostic breast examination” includes an examination using diagnostic mammography, breast magnetic resonance imaging, or breast ultrasound.

(3) (i) “Supplemental breast examination” means a medically necessary examination of the breast that is used to screen for breast cancer when:

1. there is no abnormality seen or suspected from a prior examination; and

2. there is a personal or family medical history or additional factors that may increase an individual’s risk of breast cancer.

(ii) “Supplemental breast examination” includes an examination using breast magnetic resonance imaging [or], breast ultrasound, **OR IMAGE-GUIDED BREAST BIOPSY.**

(b) This section applies to:

(1) insurers and nonprofit health service plans that provide coverage for diagnostic breast examinations or supplemental breast examinations under individual, group, or blanket health insurance policies or contracts that are issued or delivered in the State; and

(2) health maintenance organizations that provide coverage for diagnostic breast examinations or supplemental breast examinations under individual or group contracts that are issued or delivered in the State.

(c) (1) Except as provided in paragraph (2) of this subsection, an entity subject to this section may not impose a copayment, coinsurance, or deductible requirement on coverage for diagnostic breast examinations or supplemental breast examinations.

(2) If an insured or enrollee is covered under a high-deductible health plan, as defined in 26 U.S.C. § 223, an entity subject to this section may subject diagnostic breast

1 examinations or supplemental breast examinations to the deductible requirement of the  
2 high-deductible health plan.

3 15-860.

4 (a) This section applies to:

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

8 (2) health maintenance organizations that provide hospital, medical, or  
9 surgical benefits to individuals or groups under contracts that are issued or delivered in  
10 the State.

11 (b) (1) An entity subject to this section shall provide coverage for  
12 recommended **LUNG CANCER SCREENING OR** follow-up diagnostic imaging to assist in  
13 the diagnosis of lung cancer for individuals for which lung cancer screening **OR**  
14 **FOLLOW-UP DIAGNOSTIC IMAGING** is recommended by the U.S. Preventative Services  
15 Task Force.

16 (2) The coverage required under paragraph (1) of this subsection:

17 (I) shall include diagnostic ultrasound, magnetic resonance  
18 imaging, computed tomography, and image-guided biopsy; **AND**

19 (II) **MAY NOT ~~REQUIRE~~ BE SUBJECT TO A PRIOR**  
20 **AUTHORIZATION REQUIREMENT.**

21 (c) (1) Except as provided in paragraph (2) of this subsection, an entity subject  
22 to this section may not impose a copayment, coinsurance, or deductible requirement on  
23 coverage for lung cancer screening [and diagnosis] **OR FOLLOW-UP DIAGNOSTIC**  
24 **IMAGING** that is greater than the copay, coinsurance, or deductible requirement for breast  
25 cancer screening [and] **OR** diagnosis.

26 (2) If an insured or enrollee is covered under a high-deductible health plan,  
27 as defined in 26 U.S.C. § 223, an entity subject to this section may subject ~~LUNG CANCER~~  
28 ~~SCREENING OR~~ follow-up diagnostic lung imaging to the deductible requirement of the  
29 high-deductible health plan.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all  
31 policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or  
32 after January 1, 2025.

33 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 January 1, 2025.