

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1225 Session of 2022

INTRODUCED BY MENSCH, K. WARD, BAKER, BARTOLOTTA, GEBHARD, LANGERHOLC, MARTIN, PHILLIPS-HILL, STEFANO, TOMLINSON, J. WARD, COSTA, BOSCOLA, BREWSTER, CAPPELLETTI, COLLETT, FONTANA, HUGHES, KEARNEY, TARTAGLIONE, ROBINSON, STREET, SAVAL, HAYWOOD, LAUGHLIN, YAW, ARGALL, COMITTA, AUMENT, BROWNE, REGAN, CORMAN, SCAVELLO, L. WILLIAMS, FLYNN, VOGEL, SANTARSIERO, MASTRIANO, YUDICHAK, SCHWANK, KANE, BROOKS, HUTCHINSON, MUTH, DILLON, A. WILLIAMS AND DiSANTO, MAY 9, 2022

SENATOR DiSANTO, BANKING AND INSURANCE, AS AMENDED, SEPTEMBER 20, 2022

AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An
2 act relating to insurance; amending, revising, and
3 consolidating the law providing for the incorporation of
4 insurance companies, and the regulation, supervision, and
5 protection of home and foreign insurance companies, Lloyds
6 associations, reciprocal and inter-insurance exchanges, and
7 fire insurance rating bureaus, and the regulation and
8 supervision of insurance carried by such companies,
9 associations, and exchanges, including insurance carried by
10 the State Workmen's Insurance Fund; providing penalties; and
11 repealing existing laws," in casualty insurance, further
12 providing for coverage for mammographic examinations and
13 diagnostic breast imaging.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 ~~Section 1. Section 632(b) of the act of May 17, 1921~~ <--
17 ~~(P.L.682, No.284), known as The Insurance Company Law of 1921,~~
18 ~~amended July 1, 2020 (P.L.572, No.52), is amended to read:~~

19 SECTION 1. SECTION 632 HEADING AND (B) OF THE ACT OF MAY 17, <--

1 1921 (P.L.682, NO.284), KNOWN AS THE INSURANCE COMPANY LAW OF
2 1921, ARE AMENDED AND THE SECTION IS AMENDED BY ADDING A
3 SUBSECTION TO READ:

4 Section 632. Coverage for Mammographic Examinations and

5 **[Diagnostic]** Breast Imaging.--* * * <--

6 (b) A group or individual health or sickness or accident
7 insurance policy providing hospital or medical/surgical coverage
8 and a group or individual subscriber contract or certificate
9 issued by any entity subject to 40 Pa.C.S. Ch. 61 or 63, this
10 act, the "Health Maintenance Organization Act," the "Fraternal
11 Benefit Society Code" or an employe welfare benefit plan as
12 defined in section 3 of the Employee Retirement Income Security
13 Act of 1974 providing hospital or medical/surgical coverage
14 shall also provide coverage for breast imaging. The minimum
15 coverage required shall include **[supplemental magnetic resonance <--**
16 **imaging or, if such imaging is not possible, ultrasound if <--**
17 **recommended by the treating physician]** ALL COSTS ASSOCIATED WITH <--
18 ONE SUPPLEMENTAL BREAST SCREENING EVERY YEAR because the woman
19 is believed to be at an increased risk of breast cancer due to:

- 20 (1) personal history of atypical breast histologies;
21 (2) personal history or family history of breast cancer;
22 (3) genetic predisposition for breast cancer;
23 (4) prior therapeutic thoracic radiation therapy;
24 (5) heterogeneously dense breast tissue based on breast

25 composition categories **[of the Breast Imaging and Reporting Data <--**
26 **System established by the American College of Radiology]** ~~with <--~~
27 any one of the following risk factors:

- 28 (i) lifetime risk of breast cancer of greater than 20%,
29 according to risk assessment tools based on family history;
30 (ii) personal history of BRCA1 or BRCA2 gene mutations;

1 (iii) first-degree relative with a BRCA1 or BRCA2 gene
2 mutation but not having had genetic testing herself;
3 (iv) prior therapeutic thoracic radiation therapy between 10
4 and 30 years of age; or
5 (v) personal history of Li-Fraumeni syndrome, Cowden
6 syndrome or Bannayan-Riley-Ruvalcaba syndrome or a first-degree
7 relative with one of these syndromes[.]; or <--

8 (6) extremely dense breast tissue based on breast
9 composition [categories of the Breast Imaging and Reporting Data <--
10 System established by the American College of Radiology. Nothing
11 in this subsection shall be construed to require an insurer to
12 cover the surgical procedure known as mastectomy for to prevent <--
13 the application of deductible, copayment or coinsurance
14 provisions contained in the policy or plan+.] categories. <--

15 NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED AS TO PRECLUDE <--
16 UTILIZATION REVIEW AS PROVIDED UNDER ARTICLE XXI OF THIS ACT OR
17 TO PREVENT THE APPLICATION OF DEDUCTIBLE, COPAYMENT OR
18 COINSURANCE PROVISIONS CONTAINED IN THE POLICY OR PLAN FOR
19 BREAST IMAGING IN EXCESS OF THE MINIMUM COVERAGE REQUIRED.

20 * * *

21 (D) AS USED IN THIS SECTION: <--

22 "SUPPLEMENTAL BREAST SCREENING" MEANS A MEDICALLY NECESSARY
23 AND CLINICALLY APPROPRIATE EXAMINATION OF THE BREAST USING
24 EITHER STANDARD OR ABBREVIATED MAGNETIC RESONANCE IMAGING OR, IF
25 SUCH IMAGING IS NOT POSSIBLE, ULTRASOUND IF RECOMMENDED BY THE
26 TREATING PHYSICIAN TO SCREEN FOR BREAST CANCER WHEN THERE IS NO
27 ABNORMALITY SEEN OR SUSPECTED IN THE BREAST.

28 Section 2. This act shall apply as follows:

29 (1) For health insurance policies for which either rates
30 or forms are required to be filed with the Federal Government

1 or the Insurance Department, this act shall apply to any
2 policy for which a form or rate is first filed on or after
3 the effective date of this section.

4 (2) For health insurance policies for which neither
5 rates nor forms are required to be filed with the Federal
6 Government or the Insurance Department, this act shall apply
7 to any policy issued or renewed on or after 180 days after
8 the effective date of this section.

9 Section 3. This act shall take effect in 60 days.