

2021 -- H 5156

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO HEALTH AND SAFETY -- THE BREAST CANCER ACT

Introduced By: Representatives Solomon, Noret, and Casimiro

Date Introduced: January 25, 2021

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-12.7-3 of the General Laws in Chapter 23-12.7 entitled "The
2 Breast Cancer Act" is hereby amended to read as follows:

3 **23-12.7-3. Program established.**

4 (a) Through funding from the Rhode Island Cancer Council, the Rhode Island department
5 of health is required to establish a program of free mammography [and digital breast tomosynthesis](#)
6 [\(dbt\)](#) screening according to American Cancer Society standards, and, where required, follow-up,
7 diagnostic testing, and case management for women in the state who are uninsured or underinsured.

8 (b) The screening program shall:

9 (1) Secure radiology facilities to participate in the screening program;

10 (2) Pay for screening mammograms [and digital breast tomosynthesis \(dbt\) screenings](#);

11 (3) Ensure that screening results are sent directly to the patient in a timely manner;

12 (4) Provide diagnostic tests as required to diagnose breast cancer;

13 (5) Provide case management facilitating appropriate contact to breast surgeons, medical
14 oncologists, and radiation oncologists; and

15 (6) Provide follow-up support to women who are found to have breast cancer as a result of
16 this screening program.

17 (c) The director of the Rhode Island department of health is required to provide a quarterly
18 report to the general assembly on the program of free mammography screening, follow up
19 diagnostic testing and case management, and public education. An advisory committee concerned

1 with advocacy, outreach, and public education shall meet on a quarterly basis and report to the
2 director.

3 SECTION 2. Section 23-12.9-2 of the General Laws in Chapter 23-12.9 entitled "Dense
4 Breast Notification and Education" is hereby amended to read as follows:

5 **23-12.9-2. Public policy goals -- Department of health.**

6 The department of health, through the Rhode Island Cancer Council, is authorized and
7 mandated to implement the following public health policy goals as they relate to dense breast
8 notification in Rhode Island. Commencing on October 1, 2014, all health care facilities that perform
9 mammography examinations [and digital breast tomosynthesis \(dbt\) screenings](#) shall include in the
10 summary of the mammography report to be provided to a patient, information that identifies the
11 patient's individual Breast Tissue Classification based on the Breast Imaging Reporting and Data
12 System established by the American College of Radiology. If the facility determines that a patient
13 has heterogeneously or extremely dense breasts, the summary of the mammography report shall
14 also include the following notice:

15 "Your mammogram indicates that you have dense breast tissue. Dense breast tissue is
16 relatively common and is found in about forty percent (40%) of women. The presence of dense
17 tissue can make it more difficult to detect cancers in the breast by mammography because it can
18 hide small abnormalities and may be associated with an increased risk. Hence, you may benefit
19 from supplementary screening tests, which may include a breast ultrasound screening, or a breast
20 MRI examination, or both, depending on your individual risk factors.

21 We are providing this information to raise your awareness of this important factor and to
22 encourage you to discuss your dense breast tissue, as well as other breast cancer risk factors, with
23 your health care provider. Together, you can decide which screening options are right for you.

24 A report of your results was sent to your physician. You should contact your physician if
25 you have any questions or concerns about this report."

26 SECTION 3. Section 23-17-32 of the General Laws in Chapter 23-17 entitled "Licensing
27 of Health-Care Facilities" is hereby amended to read as follows:

28 **23-17-32. ~~Mammograms -- Quality assurance standards~~ Mammograms and digital**
29 **breast tomosynthesis (dbt) -- Quality assurance standards.**

30 Any licensed health care facility performing a mammogram shall meet state-approved
31 quality assurance standards for taking and processing mammograms [and digital breast](#)
32 [tomosynthesis \(dbt\) screenings](#). The director of health shall have the authority to promulgate rules
33 and regulations necessary to carry out the provisions of this section.

34 SECTION 4. Section 27-18-41 of the General Laws in Chapter 27-18 entitled "Accident

1 and Sickness Insurance Policies" is hereby amended to read as follows:

2 ~~27-18-41. Mammograms and pap smears --- Coverage mandated~~ **Mammograms,**
3 **digital breast tomosynthesis (dbt) and pap smears -- Coverage mandated.**

4 (a)(1) Every individual or group hospital or medical expense insurance policy or individual
5 or group hospital or medical services plan contract delivered, issued for delivery, or renewed in this
6 state shall provide coverage for mammograms, [and digital breast tomosynthesis \(dbt\) screenings,](#)
7 and pap smears, in accordance with guidelines established by the American Cancer Society.

8 (2) Notwithstanding the provisions of this chapter, every individual or group hospital or
9 medical insurance policy or individual or group hospital or medical services plan contract
10 delivered, issued for delivery, or renewed in this state shall pay for two (2) screening mammograms
11 per year when recommended by a physician for women who have been treated for breast cancer
12 within the last five (5) years or are at high risk of developing breast cancer due to genetic
13 predisposition (BRCA gene mutation or multiple first degree relatives) or high risk lesion on prior
14 biopsy (lobular carcinoma in situ) or atypical ductal hyperplasia.

15 (b) This section shall not apply to insurance coverage providing benefits for: (1) hospital
16 confinement indemnity; (2) disability income; (3) accident only; (4) long term care; (5) Medicare
17 supplement; (6) limited benefit health; (7) specified disease indemnity; (8) sickness or bodily injury
18 or death by accident or both; and (9) other limited benefit policies.

19 SECTION 5. Section 27-19-20 of the General Laws in Chapter 27-19 entitled "Nonprofit
20 Hospital Service Corporations" is hereby amended to read as follows:

21 ~~27-19-20. Mammograms and pap smears --- Coverage mandated~~ **Mammograms,**
22 **digital breast tomosynthesis (dbt) and pap smears -- Coverage mandated.**

23 (a) Subscribers to any nonprofit hospital service plan shall be afforded coverage under the
24 plan for mammograms, [and digital breast tomosynthesis \(dbt\) screenings,](#) and pap smears, in
25 accordance with guidelines established by the American Cancer Society.

26 (b) Notwithstanding the provisions of this chapter, subscribers to any nonprofit hospital
27 service plan shall be afforded coverage for two (2) screening mammograms per year when
28 recommended by a physician for women who have been treated for breast cancer within the last
29 five (5) years or who are at high risk of developing breast cancer due to genetic predisposition
30 (BRCA gene mutation or multiple first degree relatives) or high risk lesion on prior biopsy (lobular
31 carcinoma in situ) or atypical ductal hyperplasia.

32 SECTION 6. Section 27-20-17 of the General Laws in Chapter 27-20 entitled "Nonprofit
33 Medical Service Corporations" is hereby amended to read as follows:

34 ~~27-20-17. Mammograms and pap smears --- Coverage mandated~~ **Mammograms,**

1 **digital breast tomosynthesis (dbt) and pap smears -- Coverage mandated.**

2 (a) Subscribers to any nonprofit medical service plan shall be afforded coverage under the
3 plan for mammograms, [and digital breast tomosynthesis \(dbt\) screenings](#), and pap smears, in
4 accordance with guidelines established by the American Cancer Society.

5 (b) Notwithstanding the provisions of this chapter, subscribers to any nonprofit medical
6 service plan shall be afforded coverage for two (2) paid screening mammograms per year when
7 recommended by a physician for women who have been treated for breast cancer within the last
8 five (5) years or who are at high risk of developing breast cancer due to genetic predisposition
9 (BRCA gene mutation or multiple first degree relatives) or high risk lesion on prior biopsy (lobular
10 carcinoma in situ) or atypical ductal hyperplasia.

11 SECTION 7. Section 27-41-30 of the General Laws in Chapter 27-41 entitled "Health
12 Maintenance Organizations" is hereby amended to read as follows:

13 ~~27-41-30. Mammograms and pap smears -- Coverage mandated~~ **Mammograms,**
14 **digital breast tomosynthesis (dbt) and pap smears -- Coverage mandated.**

15 (a) Subscribers to any health maintenance organization plan shall be afforded coverage
16 under that plan for mammograms, [and digital breast tomosynthesis \(dbt\) screenings](#), and pap
17 smears, in accordance with guidelines established by the American Cancer Society.

18 (b) Notwithstanding the provisions of this chapter, subscribers to any health maintenance
19 organization plan shall be afforded coverage for two (2) paid screening mammograms per year
20 when recommended by a physician for women who have been treated for breast cancer within the
21 last five (5) years or who are at high risk of developing breast cancer due to genetic predisposition
22 (BRCA gene mutation or multiple first degree relatives) or high risk lesion on prior biopsy (lobular
23 carcinoma in situ) or atypical ductal hyperplasia.

24 SECTION 8. Section 42-62-26 of the General Laws in Chapter 42-62 entitled
25 "Catastrophic Health Insurance Plan Act" is hereby amended to read as follows:

26 ~~42-62-26. Mammograms and pap smears -- Coverage mandated~~ **Mammograms,**
27 **digital breast tomosynthesis (dbt) and pap smears -- Coverage mandated.**

28 Any insurer, as defined in this chapter, shall afford health insurance coverage for
29 mammograms, [and digital breast tomosynthesis \(dbt\) screenings](#), and Pap smears, in accordance
30 with guidelines established by the American Cancer Society.

1 SECTION 9. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T
RELATING TO HEALTH AND SAFETY -- THE BREAST CANCER ACT

1 This act would amend the current law so that digital breast tomosynthesis (dbt) screenings
2 are available wherever mammograms are conducted and to provide insurance coverage for such
3 screenings.

4 This act would take effect upon passage.

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