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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO HEALTH AND SAFETY -- THE BREAST CANCER ACT

Introduced By: Representative Joseph J. Solomon

Date Introduced: January 10, 2022

Referred To: House Health & Human Services

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 by mail, electronically, or otherwise, to the patient  
12 in a timely manner;

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

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

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

18 (c) The director of the Rhode Island department of health is required to provide a quarterly  
19 report to the general assembly on the program of free mammography screening, follow-up

1 diagnostic testing and case management, and public education. An advisory committee concerned  
2 with advocacy, outreach, and public education shall meet on a quarterly basis and report to the  
3 director.

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

6 **23-12.9-2. Public policy goals -- Department of health.**

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

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

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

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

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

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

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

1 SECTION 4. Section 27-18-41 of the General Laws in Chapter 27-18 entitled "Accident  
2 and Sickness Insurance Policies" is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

1            ~~**27-20-17. Mammograms and pap smears -- Coverage mandated. Mammograms,**~~  
2            ~~**digital breast tomosynthesis (dbt) and pap smears -- Coverage mandated.**~~

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

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

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

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

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

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

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

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

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

32            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

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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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