

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: S2/24/21 H3/8/21*

2 93rd General Assembly

# A Bill

3 Regular Session, 2021

SENATE BILL 290

4

5 By: Senators G. Leding, Bledsoe, L. Eads, J. Hendren, K. Ingram, *B. Davis, Elliott, Irvin, Teague, J.*

6 *Dismang, T. Garner, D. Wallace*

7 By: Representatives Vaught, D. Ferguson, Jett, *Boyd, Maddox, Murdock, F. Allen, Barker, S. Berry,*

8 *Cavenaugh, Cloud, Eaves, Evans, Haak, Gazaway, Gonzales, M. Gray, McCullough, Richardson, Scott,*

9 *Slape, Warren*

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## For An Act To Be Entitled

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AN ACT CONCERNING COVERAGE OF DIAGNOSTIC EXAMINATIONS

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FOR BREAST CANCER UNDER CERTAIN HEALTH BENEFIT PLANS;

14

AND FOR OTHER PURPOSES.

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## Subtitle

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CONCERNING COVERAGE OF DIAGNOSTIC

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EXAMINATIONS FOR BREAST CANCER UNDER

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CERTAIN HEALTH BENEFIT PLANS.

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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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25 SECTION 1. Arkansas Code § 23-79-140 is amended to read as follows:

26 23-79-140. Mammograms – Breast ultrasounds – Definitions.

27 (a) As used in this section:

28 (1) "Breast magnetic resonance imaging" means a diagnostic tool

29 that uses a powerful magnetic field, radio waves, and a computer to produce

30 detailed pictures of the structures within the breast;

31 (2) "Breast ultrasound" means ~~an~~ a noninvasive, diagnostic

32 imaging technique that uses ~~harmless,~~ high-frequency sound waves to produce

33 detailed images of the breast ~~in order to screen for and diagnose breast~~

34 disease, such as cancer;

35 ~~(2)(3)~~ "Cost-sharing requirement" means a deductible,

36 coinsurance, copayment, and any maximum limitation on the application of a



1 deductible, coinsurance, copayment, or similar out-of-pocket expense under a  
2 health benefit plan;

3 (4) "Diagnostic examination for breast cancer" means a medically  
4 necessary and appropriate examination, as determined by a clinician who is  
5 evaluating the individual for breast cancer, to evaluate the abnormality in  
6 the breast that is:

7 (A) Seen or suspected from a screening examination for  
8 breast cancer;

9 (B) Detected by another means of examination; or

10 (C) Suspected based on the medical history or family  
11 medical history of the individual;

12 (5) "Diagnostic mammography" means a ~~problem-solving radiologic~~  
13 ~~procedure of higher intensity than screening mammography provided to women~~  
14 ~~who are suspected to have breast pathology, usually characterized by the~~  
15 ~~following medical events~~ diagnostic tool that:

16 (A) ~~Patients are usually referred for analysis of palpable~~  
17 ~~abnormalities or for further evaluation of mammographically detected~~  
18 ~~abnormalities~~ Uses X-ray; and

19 (B) ~~All images are reviewed by the physician interpreting~~  
20 ~~the study, and additional views are obtained as needed~~ Is designed to  
21 evaluate an abnormality in a breast; and

22 (C) ~~A physical examination of the breast by the~~  
23 ~~interpreting physician to correlate the radiologic findings is performed as~~  
24 ~~part of the study when indicated;~~

25 (6) "Examination for breast cancer" means an examination used to  
26 evaluate an abnormality in a breast using diagnostic mammography, breast  
27 magnetic resonance imaging, or breast ultrasound;

28 (7)(A) "Health benefit plan" means an individual, blanket, or  
29 any group plan, policy, or contract for healthcare services issued, renewed,  
30 or extended in this state by a healthcare insurer, health maintenance  
31 organization, hospital medical service corporation, or self-insured  
32 governmental or church plan in this state.

33 (B) "Health benefit plan" includes:

34 (i) Indemnity and managed care plans; and

35 (ii) Plans providing health benefits to state and  
36 public school employees under § 21-5-401 et seq.

1 (C) "Health benefit plan" does not include:

2 (i) A plan that provides only dental benefits or eye  
3 and vision care benefits;

4 (ii) A disability income plan;

5 (iii) A credit insurance plan;

6 (iv) Insurance coverage issued as a supplement to  
7 liability insurance;

8 (v) Medical payments under an automobile or  
9 homeowners' insurance plan;

10 (vi) A health benefit plan provided under Arkansas  
11 Constitution, Article 5, § 32, the Workers' Compensation Law, § 11-9-101 et  
12 seq., and the Public Employee Workers' Compensation Act, § 21-5-601 et seq.;

13 (vii) A plan that provides only indemnity for  
14 hospital confinement;

15 (viii) An accident-only plan; or

16 (ix) A specified disease plan;

17 (8)(A) "Healthcare insurer" means any insurance company,  
18 hospital and medical service corporation, or health maintenance organization  
19 that issues or delivers health benefit plans in this state and is subject to  
20 any of the following laws:

21 (i) The insurance laws of this state;

22 (ii) Section 23-75-101 et seq., pertaining to  
23 hospital and medical service corporations; or

24 (iii) Section 23-76-101 et seq., pertaining to  
25 health maintenance organizations.

26 (B) "Healthcare insurer" does not include an entity that  
27 provides only dental benefits or eye and vision care benefits;

28 ~~(3)(9)~~ "Mammography" means radiography of the breast; and

29 ~~(4)(A)(10)(A)~~ "Screening mammography", including digital breast  
30 tomosynthesis, means a radiologic procedure provided to a woman, who has no  
31 signs or symptoms of breast cancer, for the purpose of early detection of  
32 breast cancer.

33 (B) The procedure entails at least two (2) views of each  
34 breast and includes a ~~physician's~~ radiologist's interpretation of the results  
35 of the procedure.

36 ~~(b)(1)(A) Every accident and health insurance company, hospital~~

1 ~~service corporation, health maintenance organization, or other accident and~~  
 2 ~~health insurance provider~~ healthcare insurer in the State of Arkansas this  
 3 state shall offer as an essential health benefit, coverage for screening  
 4 mammography ~~and breast ultrasound~~ for the diagnosis of breast disease such as  
 5 cancer and the evaluation of dense breast tissue:

6 (A) A baseline mammogram for an insured woman who is  
 7 thirty-five to forty (35-40) years of age;

8 (B) An annual mammogram for an insured woman who is forty  
 9 (40) years of age or older;

10 (C) Upon recommendation of a woman's physician, without  
 11 regard to age, when the woman has had a prior history of breast cancer, when  
 12 the woman's ~~mother, or sister, or any first or second degree female relative~~  
 13 of the woman has had a history of breast cancer, positive genetic testing, or  
 14 other risk factors; and

15 (D) A ~~comprehensive ultrasound screening of an entire~~  
 16 ~~breast or breasts~~ complete breast ultrasound if a mammogram screening  
 17 demonstrates heterogeneously dense or extremely dense breast tissue and the  
 18 woman's primary healthcare provider or radiologist determines ~~a comprehensive~~  
 19 an ultrasound screening is medically necessary.

20 (2) Insurance coverage for screening mammograms under a health  
 21 benefit plan, including digital breast tomosynthesis, and breast ultrasounds  
 22 shall not prejudice coverage for diagnostic mammograms or breast ultrasounds,  
 23 as recommended by the woman's physician.

24 (3) A fully insured large group insurer that issues, renews, or  
 25 extends a health benefit plan in this state shall also provide coverage for  
 26 an optional screening mammography and breast ultrasound benefit as described  
 27 under subdivision (b)(1) of this section.

28 ~~(4) As used in this subsection, an accident and health insurance~~  
 29 ~~company, hospital service corporation, health maintenance organization, or~~  
 30 ~~other accident and health insurance provider does not include benefits under~~  
 31 ~~one (1) or more, or any combination thereof, of the following:~~

32 ~~(A) Coverage only for accident or disability income~~  
 33 ~~insurance, or any combination thereof;~~

34 ~~(B) Coverage issued as a supplement to liability~~  
 35 ~~insurance;~~

36 ~~(C) Liability insurance, including general liability~~

1 ~~insurance and automobile liability insurance;~~

2 ~~(D) Workers' compensation or similar insurance;~~

3 ~~(E) Automobile medical payment insurance;~~

4 ~~(F) Credit only insurance;~~

5 ~~(G) Limited scope dental or vision benefits;~~

6 ~~(H) Benefits for long term care, nursing home care, home~~  
7 ~~health care, community based care, or any combination thereof;~~

8 ~~(I) Coverage only for a specified disease or illness;~~

9 ~~(J) Hospital indemnity or other fixed indemnity insurance;~~

10 ~~or~~

11 ~~(K) Other similar insurance coverage, specified in rules,~~  
12 ~~under which benefits for medical care are secondary or incidental to other~~  
13 ~~insurance benefits.~~

14 (c) ~~{Repealed.}~~

15 ~~(d) Furthermore, no A healthcare insurer shall not pay for~~  
16 ~~mammographies performed in an unaccredited facility after January 1, 1990.~~

17 ~~(e)(1)(d)(1) After January 1, 2014, an accident and health insurance~~  
18 ~~company, hospital service corporation, health maintenance organization, or~~  
19 ~~other accident and health insurance provider a healthcare insurer shall use~~  
20 ~~the Healthcare Common Procedure Coding System G code for digital mammography~~  
21 ~~services or the Current Procedural Terminology code as established for~~  
22 ~~digital mammography and listed in the most recent annual edition of Current~~  
23 ~~Procedural Terminology published by the American Medical Association.~~

24 (2) The codes used for digital mammography services described in  
25 subdivision ~~(e)(1)(d)(1)~~ of this section shall be reimbursed at a minimum of  
26 one and five-tenths (1.5) times the Medicare reimbursement rate.

27 ~~(f)(1)(e)(1) Benefits under this section are subject to any policy~~  
28 ~~health benefit plan provisions that apply to other services covered by the~~  
29 ~~policy health benefit plan, except that an insurance policy a health benefit~~  
30 ~~plan shall not impose a copayment or deductible for a screening mammogram.~~

31 (2) A breast ultrasound ~~may be subject to any applicable~~  
32 ~~copayment as required under a health benefit plan but~~ shall not be subject to  
33 a deductible or any applicable copayment.

34 (3) A healthcare insurer shall ensure that an individual's cost-  
35 sharing requirement under a health benefit plan that is applicable to a  
36 diagnostic examination for breast cancer, including breast magnetic resonance

1 imaging, is no less favorable than the cost-sharing requirement that is  
2 applicable to a screening examination for breast cancer.

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*/s/G. Leding*