



House of Representatives

File No. 693

General Assembly

January Session, 2021

(Reprint of File No. 351)

Substitute House Bill No. 6626
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 14, 2021

**AN ACT CONCERNING REQUIRED HEALTH INSURANCE
COVERAGE FOR BREAST HEALTH BENEFITS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-503 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective January 1, 2022*):

3 (a) For purposes of this section:

4 (1) "Healthcare Common Procedure Coding System" or "HCPCS"
5 means the billing codes used by Medicare and overseen by the federal
6 Centers for Medicare and Medicaid Services that are based on the
7 current procedural technology codes developed by the American
8 Medical Association; and

9 (2) "Mammogram" means mammographic examination or breast
10 tomosynthesis, including, but not limited to, a procedure with a HCPCS
11 code of 77051, 77052, 77055, 77056, 77057, 77063, 77065, 77066, 77067,
12 G0202, G0204, G0206 or G0279, or any subsequent corresponding code.

13 (b) (1) Each individual health insurance policy providing coverage of
14 the type specified in subdivisions (1), (2), (4), (10), (11) and (12) of section
15 38a-469 delivered, issued for delivery, renewed, amended or continued
16 in this state shall provide benefits for diagnostic and screening
17 mammograms [to any woman covered under the policy] for insureds
18 that are at least equal to the following minimum requirements:

19 (A) A baseline mammogram, which may be provided by breast
20 tomosynthesis at the option of the [woman covered under the policy]
21 insured, for [any woman] an insured who is: [thirty-five]

22 (i) Thirty-five to thirty-nine years of age, inclusive; [and] or

23 (ii) Younger than thirty-five years of age if the insured is believed to
24 be at increased risk for breast cancer due to:

25 (I) A family history of breast cancer;

26 (II) Positive genetic testing for the harmful variant of breast cancer
27 gene one, breast cancer gene two or any other gene variant that
28 materially increases the insured's risk for breast cancer;

29 (III) Prior treatment for a childhood cancer if the course of treatment
30 for the childhood cancer included radiation therapy directed at the
31 chest;

32 (IV) Prior or ongoing hormone treatment as part of a gender
33 reassignment; or

34 (V) Other indications as determined by the insured's physician or
35 advanced practice registered nurse; and

36 (B) [a mammogram] Mammograms, which may be provided by
37 breast tomosynthesis at the option of the [woman covered under the
38 policy] insured, every year for [any woman] an insured who is: [forty]

39 (i) Forty years of age or older; [.] or

40 (ii) Younger than forty years of age if the insured is believed to be at
41 increased risk for breast cancer due to:

42 (I) A family history, or prior personal history, of breast cancer;

43 (II) Positive genetic testing for the harmful variant of breast cancer
44 gene one, breast cancer gene two or any other gene that materially
45 increases the insured's risk for breast cancer;

46 (III) Prior treatment for a childhood cancer if the course of treatment
47 for the childhood cancer included radiation therapy directed at the
48 chest;

49 (IV) Prior or ongoing hormone treatment as part of a gender
50 reassignment; or

51 (V) Other indications as determined by the insured's physician or
52 advanced practice registered nurse.

53 (2) Such policy shall provide additional benefits for:

54 (A) Comprehensive [ultrasound screening] diagnostic and screening
55 ultrasounds of an entire breast or breasts if:

56 (i) A mammogram demonstrates heterogeneous or dense breast
57 tissue based on the Breast Imaging Reporting and Data System
58 established by the American College of Radiology; or

59 (ii) [a woman] An insured is believed to be at increased risk for breast
60 cancer due to:

61 (I) A family history_z or prior personal history_z of breast cancer; [,]

62 (II) [positive] Positive genetic testing [, or (III) other] for the harmful
63 variant of breast cancer gene one, breast cancer gene two or any other
64 gene that materially increases the insured's risk for breast cancer;

65 (III) Prior treatment for a childhood cancer if the course of treatment
66 for the childhood cancer included radiation therapy directed at the

67 chest;

68 (IV) Prior or ongoing hormone treatment as part of a gender
69 reassignment; or

70 (V) Other indications as determined by [a woman's] the insured's
71 physician or advanced practice registered nurse; [or (iii) such screening
72 is recommended by a woman's treating physician for a woman who (I)
73 is forty years of age or older, (II) has a family history or prior personal
74 history of breast cancer, or (III) has a prior personal history of breast
75 disease diagnosed through biopsy as benign; and]

76 (B) [Magnetic] Diagnostic and screening magnetic resonance imaging
77 of an entire breast or breasts; [in]

78 (i) In accordance with guidelines established by the American Cancer
79 Society [.] for an insured who is thirty-five years of age or older; or

80 (ii) If an insured is younger than thirty-five years of age and believed
81 to be at increased risk for breast cancer due to:

82 (I) A family history, or prior personal history, of breast cancer;

83 (II) Positive genetic testing for the harmful variant of breast cancer
84 gene one, breast cancer gene two or any other gene that materially
85 increases the insured's risk for breast cancer;

86 (III) Prior treatment for a childhood cancer if the course of treatment
87 for the childhood cancer included radiation therapy directed at the
88 chest;

89 (IV) Prior or ongoing hormone treatment as part of a gender
90 reassignment; or

91 (V) Other indications as determined by the insured's physician or
92 advanced practice registered nurse;

93 (C) Breast biopsies;

94 (D) Prophylactic mastectomies for an insured who is believed to be at
95 increased risk for breast cancer due to positive genetic testing for the
96 harmful variant of breast cancer gene one, breast cancer gene two or any
97 other gene that materially increases the insured's risk for breast cancer;
98 and

99 (E) Breast reconstructive surgery for an insured who has undergone:

100 (i) A prophylactic mastectomy; or

101 (ii) A mastectomy as part of the insured's course of treatment for
102 breast cancer.

103 (c) Benefits under this section shall be subject to any policy provisions
104 that apply to other services covered by such policy, except that no such
105 policy shall impose a coinsurance, copayment, deductible or other out-
106 of-pocket expense for such benefits. The provisions of this subsection
107 shall apply to a high deductible health plan, as that term is used in
108 subsection (f) of section 38a-493, to the maximum extent permitted by
109 federal law, except if such plan is used to establish a medical savings
110 account or an Archer MSA pursuant to Section 220 of the Internal
111 Revenue Code of 1986 or any subsequent corresponding internal
112 revenue code of the United States, as amended from time to time, or a
113 health savings account pursuant to Section 223 of said Internal Revenue
114 Code, as amended from time to time, the provisions of this subsection
115 shall apply to such plan to the maximum extent that (1) is permitted by
116 federal law, and (2) does not disqualify such account for the deduction
117 allowed under said Section 220 or 223, as applicable.

118 (d) Each mammography report provided to [a patient] an insured
119 shall include information about breast density, based on the Breast
120 Imaging Reporting and Data System established by the American
121 College of Radiology. Where applicable, such report shall include the
122 following notice: "If your mammogram demonstrates that you have
123 dense breast tissue, which could hide small abnormalities, you might
124 benefit from supplementary screening tests, which can include a breast
125 ultrasound screening or a breast MRI examination, or both, depending

126 on your individual risk factors. A report of your mammography results,
127 which contains information about your breast density, has been sent to
128 your physician's or advanced practice registered nurse's office and you
129 should contact your physician or advanced practice registered nurse if
130 you have any questions or concerns about this report."

131 Sec. 2. Section 38a-530 of the general statutes is repealed and the
132 following is substituted in lieu thereof (*Effective January 1, 2022*):

133 (a) For purposes of this section:

134 (1) "Healthcare Common Procedure Coding System" or "HCPCS"
135 means the billing codes used by Medicare and overseen by the federal
136 Centers for Medicare and Medicaid Services that are based on the
137 current procedural technology codes developed by the American
138 Medical Association; and

139 (2) "Mammogram" means mammographic examination or breast
140 tomosynthesis, including, but not limited to, a procedure with a HCPCS
141 code of 77051, 77052, 77055, 77056, 77057, 77063, 77065, 77066, 77067,
142 G0202, G0204, G0206 or G0279, or any subsequent corresponding code.

143 (b) (1) Each group health insurance policy providing coverage of the
144 type specified in subdivisions (1), (2), (4), (10), (11) and (12) of section
145 38a-469 delivered, issued for delivery, renewed, amended or continued
146 in this state shall provide benefits for diagnostic and screening
147 mammograms [to any woman covered under the policy] for insureds
148 that are at least equal to the following minimum requirements:

149 (A) A baseline mammogram, which may be provided by breast
150 tomosynthesis at the option of the [woman covered under the policy]
151 insured, for [any woman] an insured who is: [thirty-five]

152 (i) Thirty-five to thirty-nine years of age, inclusive; [and] or

153 (ii) Younger than thirty-five years of age if the insured is believed to
154 be at increased risk for breast cancer due to:

- 155 (I) A family history of breast cancer;
- 156 (II) Positive genetic testing for the harmful variant of breast cancer
157 gene one, breast cancer gene two or any other gene variant that
158 materially increases the insured's risk for breast cancer;
- 159 (III) Prior treatment for a childhood cancer if the course of treatment
160 for the childhood cancer included radiation therapy directed at the
161 chest;
- 162 (IV) Prior or ongoing hormone treatment as part of a gender
163 reassignment; or
- 164 (V) Other indications as determined by the insured's physician or
165 advanced practice registered nurse; and
- 166 (B) [a mammogram] Mammograms, which may be provided by
167 breast tomosynthesis at the option of the [woman covered under the
168 policy] insured, every year for [any woman] an insured who is: [forty]
- 169 (i) Forty years of age or older; [.] or
- 170 (ii) Younger than forty years of age if the insured is believed to be at
171 increased risk for breast cancer due to:
- 172 (I) A family history, or prior personal history, of breast cancer;
- 173 (II) Positive genetic testing for the harmful variant of breast cancer
174 gene one, breast cancer gene two or any other gene that materially
175 increases the insured's risk for breast cancer;
- 176 (III) Prior treatment for a childhood cancer if the course of treatment
177 for the childhood cancer included radiation therapy directed at the
178 chest;
- 179 (IV) Prior or ongoing hormone treatment as part of a gender
180 reassignment; or
- 181 (V) Other indications as determined by the insured's physician or

182 advanced practice registered nurse.

183 (2) Such policy shall provide additional benefits for:

184 (A) Comprehensive [ultrasound screening] diagnostic and screening
185 ultrasounds of an entire breast or breasts if:

186 (i) A mammogram demonstrates heterogeneous or dense breast
187 tissue based on the Breast Imaging Reporting and Data System
188 established by the American College of Radiology; or

189 (ii) [a woman] An insured is believed to be at increased risk for breast
190 cancer due to:

191 (I) A family history_z or prior personal history_z of breast cancer; []

192 (II) [positive] Positive genetic testing [, or (III) other] for the harmful
193 variant of breast cancer gene one, breast cancer gene two or any other
194 gene that materially increases the insured's risk for breast cancer;

195 (III) Prior treatment for a childhood cancer if the course of treatment
196 for the childhood cancer included radiation therapy directed at the
197 chest;

198 (IV) Prior or ongoing hormone treatment as part of a gender
199 reassignment; or

200 (V) Other indications as determined by [a woman's] the insured's
201 physician or advanced practice registered nurse; [or (iii) such screening
202 is recommended by a woman's treating physician for a woman who (I)
203 is forty years of age or older, (II) has a family history or prior personal
204 history of breast cancer, or (III) has a prior personal history of breast
205 disease diagnosed through biopsy as benign; and]

206 (B) [Magnetic] Diagnostic and screening magnetic resonance imaging
207 of an entire breast or breasts; [in]

208 (i) In accordance with guidelines established by the American Cancer

- 209 Society [.] for an insured who is thirty-five years of age or older; or
- 210 (ii) If an insured is younger than thirty-five years of age and believed
211 to be at increased risk for breast cancer due to:
- 212 (I) A family history, or prior personal history, of breast cancer;
- 213 (II) Positive genetic testing for the harmful variant of breast cancer
214 gene one, breast cancer gene two or any other gene that materially
215 increases the insured's risk for breast cancer;
- 216 (III) Prior treatment for a childhood cancer if the course of treatment
217 for the childhood cancer included radiation therapy directed at the
218 chest;
- 219 (IV) Prior or ongoing hormone treatment as part of a gender
220 reassignment; or
- 221 (V) Other indications as determined by the insured's physician or
222 advanced practice registered nurse;
- 223 (C) Breast biopsies;
- 224 (D) Prophylactic mastectomies for an insured who is believed to be at
225 increased risk for breast cancer due to positive genetic testing for the
226 harmful variant of breast cancer gene one, breast cancer gene two or any
227 other gene that materially increases the insured's risk for breast cancer;
228 and
- 229 (E) Breast reconstructive surgery for an insured who has undergone:
- 230 (i) A prophylactic mastectomy; or
- 231 (ii) A mastectomy as part of the insured's course of treatment for
232 breast cancer.
- 233 (c) Benefits under this section shall be subject to any policy provisions
234 that apply to other services covered by such policy, except that no such
235 policy shall impose a coinsurance, copayment, deductible or other out-

236 of-pocket expense for such benefits. The provisions of this subsection
 237 shall apply to a high deductible health plan, as that term is used in
 238 subsection (f) of section 38a-520, to the maximum extent permitted by
 239 federal law, except if such plan is used to establish a medical savings
 240 account or an Archer MSA pursuant to Section 220 of the Internal
 241 Revenue Code of 1986 or any subsequent corresponding internal
 242 revenue code of the United States, as amended from time to time, or a
 243 health savings account pursuant to Section 223 of said Internal Revenue
 244 Code, as amended from time to time, the provisions of this subsection
 245 shall apply to such plan to the maximum extent that (1) is permitted by
 246 federal law, and (2) does not disqualify such account for the deduction
 247 allowed under said Section 220 or 223, as applicable.

248 (d) Each mammography report provided to [a patient] an insured
 249 shall include information about breast density, based on the Breast
 250 Imaging Reporting and Data System established by the American
 251 College of Radiology. Where applicable, such report shall include the
 252 following notice: "If your mammogram demonstrates that you have
 253 dense breast tissue, which could hide small abnormalities, you might
 254 benefit from supplementary screening tests, which can include a breast
 255 ultrasound screening or a breast MRI examination, or both, depending
 256 on your individual risk factors. A report of your mammography results,
 257 which contains information about your breast density, has been sent to
 258 your physician's or advanced practice registered nurse's office and you
 259 should contact your physician or advanced practice registered nurse if
 260 you have any questions or concerns about this report."

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2022	38a-503
Sec. 2	January 1, 2022	38a-530

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
ACA - State Mandate	GF - Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 22 \$	FY 23 \$
Various Municipalities	Cost	Minimal	Minimal

Explanation

The bill as amended expands the criteria for which health insurance policies must provide coverage for mammograms and other treatments used to diagnose breast cancer, mandates coverage for prophylactic mastectomies and breast reconstructive surgery, and results in a cost to the state to defray costs of providing these benefits on the Exchange. The bill as amended will also result in a cost to fully-insured municipalities.

The bill as amended is anticipated to expand coverage under the Exchange and fully-insured municipal plans in only limited circumstance; federal and state law already mandate the included benefits for a variety of criteria.

There is a cost to fully-insured municipalities due to expanding coverage criteria for the included diagnostic treatments and procedures, to the extent that their policies are not currently in accordance with the provisions of the amendment. The cost to include any associated benefits not currently covered will be reflected in plan premiums for plan years starting on or after January 1, 2022. Premiums will increase

based on the projected utilization of benefits, as determined by plan actuaries.

The bill as amended will also result in a cost to the state pursuant to the Affordable Care Act to the extent the benefits are not currently covered under the Exchange's benchmark plan. Federal law requires the state to defray the cost of any such additional mandated benefits for all plans sold in the Exchange, by reimbursing the carrier or the insured for the excess coverage. Absent further federal guidance, state mandated benefits enacted after December 31, 2011 cannot be considered part of the essential health benefits required under federal law, unless they are already part of the benchmark plan.

The bill as amended is not anticipated to result in a cost to the state employee and retiree health plans, as the plans generally cover the included benefits. While self-insured plans are exempt from state insurance mandates, the state employee and retiree health plans have traditionally adopted them.

House "A" struck the underlying bill and its associated fiscal impact, and results in the fiscal impact described above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to future utilization and change to premiums.

OLR Bill Analysis**sHB 6626 (as amended by House "A")******AN ACT CONCERNING REQUIRED HEALTH INSURANCE AND MEDICAID COVERAGE, AMBULANCE SERVICES AND COST TRANSPARENCY.*****SUMMARY**

This bill expands coverage requirements for mammograms, ultrasounds, and magnetic resonance imaging (MRIs) of an insured's breasts under certain commercial health insurance policies. It also requires the policies to cover breast biopsies; certain prophylactic mastectomies; and breast reconstruction surgery, subject to certain conditions.

As under existing law, the bill prohibits the policies from imposing cost sharing (coinsurance, copayments, deductibles, or other out-of-pocket expenses) for the covered services. This cost-sharing prohibition applies to all affected policies, but it only applies to high deductible health plans (1) to the extent federal law permits and (2) so long as it does not disqualify a medical or health savings account from preferable tax treatment.

The bill's requirements apply to individual and group health insurance policies delivered, issued, renewed, amended, or continued in Connecticut on or after January 1, 2022, that cover (1) basic hospital expenses; (2) basic medical-surgical expenses; (3) major medical expenses; (4) limited benefits; or (5) hospital or medical services, including those provided under an HMO plan. Because of the federal Employee Retirement Income Security Act (ERISA), state insurance benefit mandates do not apply to self-insured benefit plans.

*House Amendment "A" replaces the underlying bill. In doing so, it

eliminates various mandated insurance benefits and related provisions.

EFFECTIVE DATE: January 1, 2022

INSURANCE COVERAGE FOR BREAST CANCER SCREENINGS AND RELATED PROCEDURES

Mammograms

Under current law, the affected insurance policies must cover a baseline mammogram for a woman aged 35 to 39 and an annual mammogram for a woman aged 40 or older. The bill instead requires the policies to cover diagnostic and screening mammograms at these age intervals for any insured, male or female.

It also requires the policies to cover a baseline mammogram for an insured who is younger than age 35 and an annual mammogram for an insured who is younger than age 40 if the insured is believed to be at an increased risk for breast cancer due to any of the following:

1. a family breast cancer history (or, if an annual mammogram, a personal breast cancer history);
2. positive genetic testing for the breast cancer gene one (BRCA1), breast cancer gene two (BRCA2), or other gene that materially increases the insured's breast cancer risk;
3. prior childhood cancer treatment that included radiation therapy to the chest;
4. prior or ongoing hormone treatment for gender reassignment; or
5. other indications the insured's physician or advanced practice registered nurse (APRN) determines.

Breast Ultrasounds

Current law requires the policies to cover a comprehensive breast ultrasound screening if a mammogram demonstrates the woman has dense breast tissue or is at increased risk for breast cancer based on family or personal breast cancer history or other indications her

physician or APRN determines.

The bill instead requires the policies to cover both diagnostic and screening breast ultrasounds for any insured whose mammogram demonstrates the insured has dense breast tissue or is at increased breast cancer due to any of the following:

1. a family or personal breast cancer history;
2. positive genetic testing for BRCA1, BRCA2, or other gene that materially increases the insured's breast cancer risk;
3. prior childhood cancer treatment that included radiation therapy to the chest;
4. prior or ongoing hormone treatment for gender reassignment; or
5. other indications the insured's physician or APRN determines.

Breast MRIs

Current law requires the policies to cover a woman's breast MRI in accordance with American Cancer Society guidelines.

The bill instead requires the policies to cover both diagnostic and screening breast MRIs in accordance with the American Cancer Society guidelines for an insured who is (1) age 35 or older or (2) younger than age 35 who is at increased breast cancer risk due to the same five reasons listed above for ultrasound coverage.

Related Procedures

The bill requires the policies to also cover the following:

1. breast biopsies;
2. prophylactic mastectomies for an insured at increased breast cancer risk due to positive genetic testing for BRCA1, BRCA2, or other gene that materially increases the insured's breast cancer risk; and

3. breast reconstructive surgery for an insured who has had a prophylactic mastectomy or mastectomy as part of breast cancer treatment.

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable Substitute

Yea 17 Nay 1 (03/22/2021)

Appropriations Committee

Joint Favorable

Yea 32 Nay 15 (05/03/2021)