

SENATE BILL 184

J5, J4

3lr0561
CF HB 376

By: **Senators Beidle, Benson, Gile, Hester, and King**

Introduced and read first time: January 20, 2023

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 3, 2023

CHAPTER _____

1 AN ACT concerning

2 **Health Insurance – Diagnostic and Supplemental Examinations for Breast**
3 **Cancer – Cost-Sharing**

4 FOR the purpose of prohibiting, except under certain circumstances, insurers, nonprofit
5 health service plans, and health maintenance organizations that provide coverage
6 for diagnostic and supplemental breast examinations from imposing a copayment,
7 coinsurance, or deductible requirement for the examination; and generally relating
8 to health insurance and diagnostic and supplemental examinations for breast cancer.

9 BY adding to
10 Article – Insurance
11 Section 15–814.1
12 Annotated Code of Maryland
13 (2017 Replacement Volume and 2022 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Insurance**

17 **15–814.1.**

18 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
19 **INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2) (I) “DIAGNOSTIC BREAST EXAMINATION” MEANS A MEDICALLY NECESSARY AND APPROPRIATE EXAMINATION OF THE BREAST THAT IS USED TO EVALUATE AN ABNORMALITY THAT IS:

1. SEEN OR SUSPECTED FROM A PRIOR SCREENING EXAMINATION FOR BREAST CANCER; OR

2. DETECTED BY ANOTHER MEANS OF PRIOR EXAMINATION.

(II) “DIAGNOSTIC BREAST EXAMINATION” INCLUDES AN EXAMINATION USING DIAGNOSTIC MAMMOGRAPHY, BREAST MAGNETIC RESONANCE IMAGING, OR BREAST ULTRASOUND.

(3) (I) “SUPPLEMENTAL BREAST EXAMINATION” MEANS A MEDICALLY NECESSARY EXAMINATION OF THE BREAST THAT IS USED TO SCREEN FOR BREAST CANCER WHEN:

1. THERE IS NO ABNORMALITY SEEN OR SUSPECTED FROM A PRIOR EXAMINATION; AND

2. THERE IS A PERSONAL OR FAMILY MEDICAL HISTORY OR ADDITIONAL FACTORS THAT MAY INCREASE AN INDIVIDUAL’S RISK OF BREAST CANCER.

(II) “SUPPLEMENTAL BREAST EXAMINATION” INCLUDES AN EXAMINATION USING BREAST MAGNETIC RESONANCE IMAGING OR BREAST ULTRASOUND.

(B) THIS SECTION APPLIES TO:

(1) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE COVERAGE FOR DIAGNOSTIC BREAST EXAMINATIONS OR SUPPLEMENTAL BREAST EXAMINATIONS UNDER INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(2) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE COVERAGE FOR DIAGNOSTIC BREAST EXAMINATIONS OR SUPPLEMENTAL BREAST EXAMINATIONS UNDER INDIVIDUAL OR GROUP CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(C) (1) ~~SUBJECT TO~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN ENTITY SUBJECT TO THIS SECTION MAY NOT IMPOSE A

1 COPAYMENT, COINSURANCE, OR DEDUCTIBLE REQUIREMENT ON COVERAGE FOR
2 DIAGNOSTIC BREAST EXAMINATIONS OR SUPPLEMENTAL BREAST EXAMINATIONS.

3 (2) ~~IF THE APPLICATION OF PARAGRAPH (1) OF THIS SUBSECTION TO~~
4 ~~A HEALTH SAVINGS ACCOUNT QUALIFIED HIGH DEDUCTIBLE HEALTH PLAN WOULD~~
5 ~~RESULT IN HEALTH SAVINGS ACCOUNT INELIGIBILITY UNDER § 223 OF THE~~
6 ~~INTERNAL REVENUE CODE, PARAGRAPH (1) OF THIS SUBSECTION SHALL APPLY~~
7 ~~ONLY WITH RESPECT TO THE DEDUCTIBLE OF THE PLAN AFTER THE ENROLLEE HAS~~
8 ~~SATISFIED THE MINIMUM DEDUCTIBLE UNDER § 223 OF THE INTERNAL REVENUE~~
9 ~~CODE~~ IF AN INSURED OR ENROLLEE IS COVERED UNDER A HIGH-DEDUCTIBLE
10 HEALTH PLAN, AS DEFINED IN 26 U.S.C. § 223, AN ENTITY SUBJECT TO THIS
11 SECTION MAY SUBJECT DIAGNOSTIC BREAST EXAMINATIONS OR SUPPLEMENTAL
12 BREAST EXAMINATIONS TO THE DEDUCTIBLE REQUIREMENT OF THE
13 HIGH-DEDUCTIBLE HEALTH PLAN.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
15 policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or
16 after January 1, 2024.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 January 1, 2024.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.