

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 8 Session of 2023

INTRODUCED BY K. WARD, ROBINSON, PENNYCUICK, DiSANTO, PHILLIPS-HILL, BROOKS, J. WARD, BARTOLOTTA, BROWN, BAKER, TARTAGLIONE, SCHWANK, ARGALL, LANGERHOLC, COSTA, GEBHARD, BREWSTER, LAUGHLIN, KANE, FLYNN, VOGEL, COLLETT, DILLON, HUGHES, MARTIN, MASTRIANO, SANTARSIERO, ROTHMAN, COMITTA, L. WILLIAMS, YAW, HUTCHINSON, STEFANO, AUMENT, SAVAL, REGAN, COLEMAN, DUSH, FARRY, CAPPELLETTI AND BOSCOLA, FEBRUARY 14, 2023

REFERRED TO BANKING AND INSURANCE, FEBRUARY 14, 2023

AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An
 2 act relating to insurance; amending, revising, and
 3 consolidating the law providing for the incorporation of
 4 insurance companies, and the regulation, supervision, and
 5 protection of home and foreign insurance companies, Lloyds
 6 associations, reciprocal and inter-insurance exchanges, and
 7 fire insurance rating bureaus, and the regulation and
 8 supervision of insurance carried by such companies,
 9 associations, and exchanges, including insurance carried by
 10 the State Workmen's Insurance Fund; providing penalties; and
 11 repealing existing laws," in casualty insurance, further
 12 providing for coverage for mammographic examinations and
 13 diagnostic breast imaging and providing for coverage for
 14 BRCA-related genetic counseling and genetic testing.

15 The General Assembly of the Commonwealth of Pennsylvania
 16 hereby enacts as follows:

17 Section 1. Section 632 heading and (b) of the act of May 17,
 18 1921 (P.L.682, No.284), known as The Insurance Company Law of
 19 1921, are amended and the section is amended by adding a
 20 subsection to read:

21 Section 632. Coverage for Mammographic Examinations and

1 [Diagnostic] Breast Imaging.--* * *

2 (b) A group or individual health or sickness or accident
3 insurance policy providing hospital or medical/surgical coverage
4 and a group or individual subscriber contract or certificate
5 issued by any entity subject to 40 Pa.C.S. Ch. 61 or 63, this
6 act, the "Health Maintenance Organization Act," the "Fraternal
7 Benefit Society Code" or an employe welfare benefit plan as
8 defined in section 3 of the Employee Retirement Income Security
9 Act of 1974 providing hospital or medical/surgical coverage
10 shall also provide coverage for breast imaging. The minimum
11 coverage required shall include [supplemental magnetic resonance
12 imaging or, if such imaging is not possible, ultrasound if
13 recommended by the treating physician] all costs associated with
14 one supplemental breast screening every year because the woman
15 is believed to be at an increased risk of breast cancer due to:

- 16 (1) personal history of atypical breast histologies;
- 17 (2) personal history or family history of breast cancer;
- 18 (3) genetic predisposition for breast cancer;
- 19 (4) prior therapeutic thoracic radiation therapy;
- 20 (5) heterogeneously dense breast tissue based on breast
21 composition categories [of the Breast Imaging and Reporting Data
22 System established by the American College of Radiology] with

23 any one of the following risk factors:

- 24 (i) lifetime risk of breast cancer of greater than 20%,
25 according to risk assessment tools based on family history;
- 26 (ii) personal history of BRCA1 or BRCA2 gene mutations;
- 27 (iii) first-degree relative with a BRCA1 or BRCA2 gene
28 mutation but not having had genetic testing herself;
- 29 (iv) prior therapeutic thoracic radiation therapy between 10
30 and 30 years of age; or

1 (v) personal history of Li-Fraumeni syndrome, Cowden
2 syndrome or Bannayan-Riley-Ruvalcaba syndrome or a first-degree
3 relative with one of these syndromes[.]; or

4 (6) extremely dense breast tissue based on breast
5 composition [categories of the Breast Imaging and Reporting Data
6 System established by the American College of Radiology. Nothing
7 in this subsection shall be construed to require an insurer to
8 cover the surgical procedure known as mastectomy or to prevent
9 the application of deductible, copayment or coinsurance
10 provisions contained in the policy or plan.] categories.

11 Nothing in this subsection shall be construed as to preclude
12 utilization review as provided under Article XXI of this act or
13 to prevent the application of deductible, copayment or
14 coinsurance provisions contained in the policy or plan for
15 breast imaging in excess of the minimum coverage required.

16 * * *

17 (d) As used in this section:

18 "Supplemental breast screening" means a medically necessary
19 and clinically appropriate examination of the breast using
20 either standard or abbreviated magnetic resonance imaging or, if
21 such imaging is not possible, ultrasound if recommended by the
22 treating physician to screen for breast cancer when there is no
23 abnormality seen or suspected in the breast.

24 Section 2. The act is amended by adding a section to read:

25 Section 633.1. Coverage for BRCA-related Genetic Counseling
26 and Genetic Testing.--(a) A health insurance policy offered,
27 issued or renewed in this Commonwealth shall provide coverage
28 for BRCA-related genetic counseling and genetic testing provided
29 by an individual licensed, certified or otherwise regulated to
30 provide genetic counseling and genetic testing under the laws of

1 this Commonwealth. The minimum coverage required shall include
2 all costs associated with genetic counseling and, if indicated
3 after genetic counseling, a genetic laboratory test of the BRCA1
4 and BRCA2 genes for individuals assessed to be at an increased
5 risk, based on a clinical risk assessment tool, of potentially
6 harmful mutations in the BRCA1 or BRCA2 genes due to a personal
7 or family history of breast or ovarian cancer.

8 (b) As used in this section:

9 "Genetic counseling" means the provision of services to
10 individuals, couples, families and organizations by one or more
11 appropriately trained individuals to address the physical and
12 psychological issues associated with the occurrence or risk of
13 occurrence of a genetic disorder, birth defect or genetically
14 influenced condition or disease in an individual or a family.

15 "Health insurance policy" means an individual or group
16 insurance policy, subscriber contract, certificate or plan
17 issued by an insurer that provides medical or health care
18 coverage, including emergency services. The term does not
19 include any of the following:

- 20 (1) An accident only policy.
- 21 (2) A credit only policy.
- 22 (3) A long-term care or disability income policy.
- 23 (4) A specified disease policy.
- 24 (5) A Medicare supplement policy.
- 25 (6) A fixed indemnity policy.
- 26 (7) A hospital indemnity policy.
- 27 (8) A dental only policy.
- 28 (9) A vision only policy.
- 29 (10) A worker's compensation policy.
- 30 (11) An automobile medical payment policy.

1 (12) A TRICARE policy, including a Civilian Health and
2 Medical Program of the Uniformed Services (CHAMPUS) supplement
3 policy.

4 (13) Any other similar policy providing for limited
5 benefits.

6 "Insurer" means an entity licensed by the Insurance
7 Department with accident and health authority to issue a health
8 insurance policy that is offered or governed under any of the
9 following:

10 (1) This act, including section 630 and Article XXIV.

11 (2) The act of December 29, 1972 (P.L.1701, No.364), known
12 as the "Health Maintenance Organization Act."

13 (3) 40 Pa.C.S. Ch. 61 (relating to hospital plan
14 corporations) or 63 (relating to professional health services
15 plan corporations).

16 Section 3. This act shall apply as follows:

17 (1) For health insurance policies for which either rates
18 or forms are required to be filed with the Federal Government
19 or the Insurance Department, this act shall apply to any
20 policy for which a form or rate is first filed on or after
21 the effective date of this section.

22 (2) For health insurance policies for which neither
23 rates nor forms are required to be filed with the Federal
24 Government or the Insurance Department, this act shall apply
25 to any policy issued or renewed on or after 180 days after
26 the effective date of this section.

27 Section 4. This act shall take effect in 60 days.