

## CHAPTER 18

## (HB 9)

AN ACT relating to health insurance.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Section 1. KRS 304.17-316 is amended to read as follows:

- (1) The term "mammogram" shall mean an x-ray examination of the breast using equipment dedicated specifically for mammography, including, but not limited to, the x-ray tube, filter, compression device, screens, film, and cassettes, with two (2) views of each breast and with an average radiation exposure at the current recommended level as set forth in guidelines of the American College of Radiology.
- (2) (a) All insurers issuing individual health insurance policies in this Commonwealth ~~that~~<sup>which</sup> provide coverage on an expense-incurred basis for surgical services for a mastectomy and ~~that~~<sup>which</sup> are delivered, issued for delivery, amended, or renewed on or after October 15, 1990, shall also provide coverage for low-dose mammography screening for persons who have no sign or symptom of breast cancer and when performed on dedicated equipment which meets the guidelines established by the American College of Radiology and upon self-referral or on referral by a health care practitioner acting within the scope of ~~the~~<sup>such</sup> practitioner's licensure. The coverage shall make available one (1) screening mammogram to persons age thirty-five (35) through thirty-nine (39); one (1) mammogram every two (2) years for persons ages forty (40) through forty-nine (49); and one (1) mammogram per year for a person fifty (50) years of age and over and may be limited to a benefit of fifty dollars (\$50) per screening mammogram. Any deductibles and coinsurance factors shall be no less favorable than for coverage for physical illness generally.  
  
(b) *All insurers issuing individual health insurance policies in this Commonwealth that provide coverage on an expense-incurred basis for surgical services for a mastectomy and that are delivered, issued for delivery, amended, or renewed on or after the effective date of this Act, shall also provide coverage for mammograms, performed on dedicated equipment that meets the guidelines established by the American College of Radiology, for any covered person, regardless of age, who has been diagnosed with breast disease upon referral by a health care practitioner acting within the scope of the practitioner's licensure. The coverage provided under this paragraph shall be subject to the same annual deductibles or coinsurance established for other coverages within the policy.*
- (3) The mammogram shall be performed by a Kentucky State Certified General Certificate Radiographer or an American Registry of Radiologic Technology Registered Radiographer, interpreted by a qualified radiologist, and performed under the direction of a person licensed to practice medicine and certified by the American Board of Radiology. Two (2) copies of the mammogram report shall be sent to the health care practitioner who ordered it, one (1) copy of which shall be given to the patient. In case of self-referral, one (1) copy of the mammogram report shall be given to the patient upon request. The mammography film shall be retained by the facility performing the examination in accordance with guidelines of the American College of Radiology.

- (4) Effective July 15, 1990, any facility in which mammograms are performed for reimbursement under this section, KRS 304.18-098, 304.32-1591, or 304.38-1935 shall meet current criteria of the American College of Radiology Mammography Accreditation Program.

SECTION 2. A NEW SECTION OF SUBTITLE 17A OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

*All insurers issuing health benefit plans in this Commonwealth that provide coverage for surgical services for a mastectomy and that are delivered, issued for delivery, amended, or renewed on or after the effective date of this Act, shall also provide coverage for mammograms under Section 1 of this Act. The coverage shall meet the standards set forth in Section 1 of this Act.*

Section 3. KRS 304.18-098 is amended to read as follows:

All insurers issuing group or blanket health insurance policies and certificates in this Commonwealth *that provide*~~[providing]~~ coverage on an expense-incurred basis for surgical services for a mastectomy and *that*~~[which]~~ are delivered, issued for delivery, amended, or renewed on or after October 15, 1990, shall also provide coverage for *mammograms under*~~[low dose mammography screening as provided in]~~ KRS 304.17-316. The coverage shall meet the standards set forth in KRS 304.17-316.

Section 4. KRS 304.32-1591 is amended to read as follows:

All nonprofit hospital, medical-surgical, dental, and health service corporations issuing contracts in this Commonwealth *that*~~[which]~~ provide hospital, medical, or surgical expense benefits for a mastectomy and *that*~~[which]~~ are delivered, issued for delivery, amended, or renewed on or after October 15, 1990, shall also provide coverage for *mammograms*~~[low dose mammography screening as provided]~~ under KRS 304.17-316. The coverage shall meet the standards set forth in KRS 304.17-316.

Section 5. KRS 304.38-1935 is amended to read as follows:

Health maintenance organizations issuing contracts in this Commonwealth *that*~~[which]~~ provide hospital, medical, or surgical expense benefits for surgical services for a mastectomy and *that*~~[which]~~ are delivered, issued for delivery, amended, or renewed on or after October 15, 1990, shall also provide coverage for *mammograms*~~[low dose mammography screening as provided]~~ under KRS 304.17-316. The coverage shall meet the minimum standards set forth in KRS 304.17316.

**Approved February 21, 2000**