

17:48-6pp et. al
LEGISLATIVE HISTORY CHECKLIST
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LAWS OF: 2017 **CHAPTER:** 305

NJSA: 17:48-6pp et. al (Requires health insurers, SHBP and SEHBP to provide coverage for digital tomosynthesis for screening and diagnostic purposes related to breast cancer.)

BILL NO: S2793 (Substituted for A4320)

SPONSOR(S) Weinberg and others

DATE INTRODUCED: 11/14/2016

COMMITTEE: **ASSEMBLY:** Financial Institutions & Insurance

SENATE: Commerce
 Budget & Appropriations

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** 1/8/2018

SENATE: 6/19/2017

DATE OF APPROVAL: 1/16/2018

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (First Reprint enacted) Yes

S2793

SPONSOR'S STATEMENT: (Begins on page 5 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes Commerce
 Budget & Appropriations

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: Yes

A4320

SPONSOR'S STATEMENT: (Begins on page 4 of introduced bill) Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes

SENATE: No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, **may possibly** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: Yes

(continued)

§1 - C.17:48-6pp
 §2 - C.17:48A-7mm
 §3 - C.17:48E-35.40
 §4 - C.17B:26-2.1jj
 §5 - C.17B:27-46.1pp
 §6 - C.17B:27A-7.23
 §7 - C.17B:27A-19.27
 §8 - C.26:2J-4.41
 §9 - C.52:14-17.29y
 §10 - C.52:14-17.46.6j
 §11 - Note

P.L. 2017, CHAPTER 305, *approved January 16, 2018*
 Senate, No. 2793 (*First Reprint*)

1 AN ACT requiring health insurance coverage for digital
 2 tomosynthesis of the breast and supplementing various parts of
 3 the statutory law.

4
 5 **BE IT ENACTED** by the Senate and General Assembly of the State
 6 of New Jersey:

7
 8 1. a. A hospital service corporation contract that provides
 9 hospital and medical expense benefits and is delivered, issued,
 10 executed or renewed in this State pursuant to P.L.1938, c.366
 11 (C.17:48-1 et seq.), or approved for issuance or renewal in this State
 12 by the Commissioner of Banking and Insurance, on or after the
 13 effective date of this act, shall provide coverage for expenses
 14 incurred in conducting digital tomosynthesis to detect or screen for
 15 breast cancer in women 40 years of age and over; and for diagnostic
 16 purposes in women of any age.

17 b. ¹**【**The benefits provided by this section shall be provided to
 18 the same extent and with**】** In the case of digital tomosynthesis
 19 conducted to detect or screen for breast cancer in women 40 years
 20 of age and over, no deductible, coinsurance or other cost sharing
 21 shall be applied; and in the case of digital tomosynthesis conducted
 22 for diagnostic purposes in women of any age,¹ the same
 23 deductibles, coinsurance, and other cost sharing as apply to similar
 24 services under the contract ¹shall be applied¹.

25 c. This section shall apply to those hospital service corporation
 26 contracts in which the hospital service corporation has reserved the
 27 right to change the premium.

EXPLANATION – Matter enclosed in bold-faced brackets **【 thus 】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
 Matter enclosed in superscript numerals has been adopted as follows:
¹Senate SBA committee amendments adopted June 1, 2017.

1 2. a. A medical service corporation contract that provides
2 hospital and medical expense benefits and is delivered, issued,
3 executed or renewed in this State pursuant to P.L.1940, c.74
4 (C.17:48A-1 et seq.), or approved for issuance or renewal in this
5 State by the Commissioner of Banking and Insurance, on or after
6 the effective date of this act, shall provide coverage for expenses
7 incurred in conducting digital tomosynthesis to detect or screen for
8 breast cancer in women 40 years of age and over; and for diagnostic
9 purposes in women of any age.

10 b. ~~1~~ **1** ~~【The benefits provided by this section shall be provided to~~
11 ~~the same extent and with】~~ In the case of digital tomosynthesis
12 conducted to detect or screen for breast cancer in women 40 years
13 of age and over, no deductible, coinsurance or other cost sharing
14 shall be applied; and in the case of digital tomosynthesis conducted
15 for diagnostic purposes in women of any age,¹ the same
16 deductibles, coinsurance, and other cost sharing as apply to similar
17 services under the contract ¹shall be applied¹.

18 c. This section shall apply to those medical service corporation
19 contracts in which the medical service corporation has reserved the
20 right to change the premium.

21

22 3. a. A health service corporation contract that provides
23 hospital and medical expense benefits and is delivered, issued,
24 executed or renewed in this State pursuant to P.L.1985, c.236
25 (C.17:48E-1 et seq.), or approved for issuance or renewal in this
26 State by the Commissioner of Banking and Insurance, on or after
27 the effective date of this act, shall provide coverage for expenses
28 incurred in conducting digital tomosynthesis to detect or screen for
29 breast cancer in women 40 years of age and over; and for diagnostic
30 purposes in women of any age.

31 b. ~~1~~ **1** ~~【The benefits provided by this section shall be provided to~~
32 ~~the same extent and with】~~ In the case of digital tomosynthesis
33 conducted to detect or screen for breast cancer in women 40 years
34 of age and over, no deductible, coinsurance or other cost sharing
35 shall be applied; and in the case of digital tomosynthesis conducted
36 for diagnostic purposes in women of any age,¹ the same
37 deductibles, coinsurance, and other cost sharing as apply to similar
38 services under the contract ¹shall be applied¹.

39 c. This section shall apply to those health service corporation
40 contracts in which the health service corporation has reserved the
41 right to change the premium.

42

43 4. a. An individual health insurance policy that provides
44 hospital and medical expense benefits and is delivered, issued,
45 executed or renewed in this State pursuant to N.J.S.17B:26-1 et
46 seq., or approved for issuance or renewal in this State by the
47 Commissioner of Banking and Insurance, on or after the effective
48 date of this act, shall provide coverage for expenses incurred in

1 conducting digital tomosynthesis to detect or screen for breast
2 cancer in women 40 years of age and over; and for diagnostic
3 purposes in women of any age.

4 b. ¹【The benefits provided by this section shall be provided to
5 the same extent and with】 In the case of digital tomosynthesis
6 conducted to detect or screen for breast cancer in women 40 years
7 of age and over, no deductible, coinsurance or other cost sharing
8 shall be applied; and in the case of digital tomosynthesis conducted
9 for diagnostic purposes in women of any age,¹ the same
10 deductibles, coinsurance, and other cost sharing as apply to similar
11 services under the policy ¹shall be applied¹.

12 c. This section shall apply to those individual health insurance
13 policies in which the insurer has reserved the right to change the
14 premium.

15
16 5. a. A group health insurance policy that provides hospital
17 and medical expense benefits and is delivered, issued, executed or
18 renewed in this State pursuant to N.J.S.17B:27-26 et seq., or
19 approved for issuance or renewal in this State by the Commissioner
20 of Banking and Insurance, on or after the effective date of this act,
21 shall provide coverage for expenses incurred in conducting digital
22 tomosynthesis to detect or screen for breast cancer in women 40
23 years of age and over; and for diagnostic purposes in women of any
24 age.

25 b. ¹【The benefits provided by this section shall be provided to
26 the same extent and with】 In the case of digital tomosynthesis
27 conducted to detect or screen for breast cancer in women 40 years
28 of age and over, no deductible, coinsurance or other cost sharing
29 shall be applied; and in the case of digital tomosynthesis conducted
30 for diagnostic purposes in women of any age,¹ the same
31 deductibles, coinsurance, and other cost sharing as apply to similar
32 services under the policy ¹shall be applied¹.

33 c. This section shall apply to those group health insurance
34 policies in which the insurer has reserved the right to change the
35 premium.

36
37 6. a. An individual health benefits plan that provides hospital
38 and medical expense benefits and is delivered, issued, executed or
39 renewed in this State pursuant to P.L.1992, c.161 (C.17B:27A-2 et
40 seq.), or approved for issuance or renewal in this State by the
41 Commissioner of Banking and Insurance, on or after the effective
42 date of this act, shall provide coverage for expenses incurred in
43 conducting digital tomosynthesis to detect or screen for breast
44 cancer in women 40 years of age and over; and for diagnostic
45 purposes in women of any age.

46 b. ¹【The benefits provided by this section shall be provided to
47 the same extent and with】 In the case of digital tomosynthesis
48 conducted to detect or screen for breast cancer in women 40 years

1 of age and over, no deductible, coinsurance or other cost sharing
2 shall be applied; and in the case of digital tomosynthesis conducted
3 for diagnostic purposes in women of any age,¹ the same
4 deductibles, coinsurance, and other cost sharing as apply to similar
5 services under the health benefits plan ¹shall be applied¹.

6 c. This section shall apply to those health benefits plans in
7 which the carrier has reserved the right to change the premium.
8

9 7. a. A small employer health benefits plan that provides
10 hospital and medical expense benefits and is delivered, issued,
11 executed or renewed in this State pursuant to P.L.1992, c.162
12 (C.17B:27A-17 et seq.), or approved for issuance or renewal in this
13 State by the Commissioner of Banking and Insurance, on or after
14 the effective date of this act, shall provide coverage for expenses
15 incurred in conducting digital tomosynthesis to detect or screen for
16 breast cancer in women 40 years of age and over; and for diagnostic
17 purposes in women of any age.

18 b. ¹**【The benefits provided by this section shall be provided to**
19 **the same extent and with】** In the case of digital tomosynthesis
20 conducted to detect or screen for breast cancer in women 40 years
21 of age and over, no deductible, coinsurance or other cost sharing
22 shall be applied; and in the case of digital tomosynthesis conducted
23 for diagnostic purposes in women of any age,¹ the same
24 deductibles, coinsurance, and other cost sharing as apply to similar
25 services under the health benefits plan ¹shall be applied¹.

26 c. This section shall apply to those health benefits plans in
27 which the carrier has reserved the right to change the premium.
28

29 8. a. A health maintenance organization contract for health
30 care services that is delivered, issued, executed, or renewed in this
31 State pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.), or approved
32 for issuance or renewal in this State by the Commissioner of
33 Banking and Insurance, on or after the effective date of this act,
34 shall provide coverage for expenses incurred in conducting digital
35 tomosynthesis to detect or screen for breast cancer in women 40
36 years of age and over; and for diagnostic purposes in women of any
37 age.

38 b. ¹**【The benefits provided by this section shall be provided to**
39 **the same extent and with】** In the case of digital tomosynthesis
40 conducted to detect or screen for breast cancer in women 40 years
41 of age and over, no deductible, coinsurance or other cost sharing
42 shall be applied; and in the case of digital tomosynthesis conducted
43 for diagnostic purposes in women of any age,¹ the same
44 deductibles, coinsurance, and other cost sharing as apply to similar
45 services under the contract ¹shall be applied¹.

46 c. This section shall apply to those contracts for health care
47 services under which the health maintenance organization has

1 reserved the right to change the schedule of charges for enrollee
2 coverage.

3

4 9. a. The State Health Benefits Commission shall ensure that
5 every contract purchased by the commission on or after the
6 effective date of this act that provides hospital and medical expense
7 benefits shall provide coverage for expenses incurred in conducting
8 digital tomosynthesis to detect or screen for breast cancer in women
9 40 years of age and over; and for diagnostic purposes in women of
10 any age.

11 b. ¹【The benefits provided by this section shall be provided to
12 the same extent and with】 In the case of digital tomosynthesis
13 conducted to detect or screen for breast cancer in women 40 years
14 of age and over, no deductible, coinsurance or other cost sharing
15 shall be applied; and in the case of digital tomosynthesis conducted
16 for diagnostic purposes in women of any age,¹ the same
17 deductibles, coinsurance, and other cost sharing as apply to similar
18 services under the contract ¹shall be applied¹.

19

20 10. a. The School Employees' Health Benefits Commission
21 shall ensure that every contract purchased by the commission on or
22 after the effective date of this act that provides hospital and medical
23 expense benefits shall provide coverage for expenses incurred in
24 conducting digital tomosynthesis to detect or screen for breast
25 cancer in women 40 years of age and over; and for diagnostic
26 purposes in women of any age.

27 b. ¹【The benefits provided by this section shall be provided to
28 the same extent and with】 In the case of digital tomosynthesis
29 conducted to detect or screen for breast cancer in women 40 years
30 of age and over, no deductible, coinsurance or other cost sharing
31 shall be applied; and in the case of digital tomosynthesis conducted
32 for diagnostic purposes in women of any age,¹ the same
33 deductibles, coinsurance, and other cost sharing as apply to similar
34 services under the contract ¹shall be applied¹.

35

36 11. This act shall take effect on the first day of the seventh
37 month next following enactment.

38

39

40

41

42 _____
43 Requires health insurers, SHBP and SEHBP to provide coverage
44 for digital tomosynthesis for screening and diagnostic purposes
related to breast cancer.

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext.103 or <mailto:refdesk@njstatelib.org>

REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

"New law requires state health benefits programs to cover advanced breast cancer screenings," NJBIZ, January 17, 2018

RH/CL

SENATE, No. 2793

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED NOVEMBER 14, 2016

Sponsored by:

Senator LORETTA WEINBERG
District 37 (Bergen)

Co-Sponsored by:

Senators A.R.Bucco and Lesniak

SYNOPSIS

Requires health insurers, SHBP and SEHBP to provide coverage for digital tomosynthesis for screening and diagnostic purposes related to breast cancer.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/29/2017)

1 AN ACT requiring health insurance coverage for digital
2 tomosynthesis of the breast and supplementing various parts of
3 the statutory law.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. a. A hospital service corporation contract that provides
9 hospital and medical expense benefits and is delivered, issued,
10 executed or renewed in this State pursuant to P.L.1938, c.366
11 (C.17:48-1 et seq.), or approved for issuance or renewal in this State
12 by the Commissioner of Banking and Insurance, on or after the
13 effective date of this act, shall provide coverage for expenses
14 incurred in conducting digital tomosynthesis to detect or screen for
15 breast cancer in women 40 years of age and over; and for diagnostic
16 purposes in women of any age.

17 b. The benefits provided by this section shall be provided to the
18 same extent and with the same deductibles, coinsurance, and other
19 cost sharing as apply to similar services under the contract.

20 c. This section shall apply to those hospital service corporation
21 contracts in which the hospital service corporation has reserved the
22 right to change the premium.

23
24 2. a. A medical service corporation contract that provides
25 hospital and medical expense benefits and is delivered, issued,
26 executed or renewed in this State pursuant to P.L.1940, c.74
27 (C.17:48A-1 et seq.), or approved for issuance or renewal in this
28 State by the Commissioner of Banking and Insurance, on or after
29 the effective date of this act, shall provide coverage for expenses
30 incurred in conducting digital tomosynthesis to detect or screen for
31 breast cancer in women 40 years of age and over; and for diagnostic
32 purposes in women of any age.

33 b. The benefits provided by this section shall be provided to the
34 same extent and with the same deductibles, coinsurance, and other
35 cost sharing as apply to similar services under the contract.

36 c. This section shall apply to those medical service corporation
37 contracts in which the medical service corporation has reserved the
38 right to change the premium.

39
40 3. a. A health service corporation contract that provides
41 hospital and medical expense benefits and is delivered, issued,
42 executed or renewed in this State pursuant to P.L.1985, c.236
43 (C.17:48E-1 et seq.), or approved for issuance or renewal in this
44 State by the Commissioner of Banking and Insurance, on or after
45 the effective date of this act, shall provide coverage for expenses
46 incurred in conducting digital tomosynthesis to detect or screen for
47 breast cancer in women 40 years of age and over; and for diagnostic
48 purposes in women of any age.

1 b. The benefits provided by this section shall be provided to the
2 same extent and with the same deductibles, coinsurance, and other
3 cost sharing as apply to similar services under the contract.

4 c. This section shall apply to those health service corporation
5 contracts in which the health service corporation has reserved the
6 right to change the premium.

7

8 4. a. An individual health insurance policy that provides
9 hospital and medical expense benefits and is delivered, issued,
10 executed or renewed in this State pursuant to N.J.S.17B:26-1 et
11 seq., or approved for issuance or renewal in this State by the
12 Commissioner of Banking and Insurance, on or after the effective
13 date of this act, shall provide coverage for expenses incurred in
14 conducting digital tomosynthesis to detect or screen for breast
15 cancer in women 40 years of age and over; and for diagnostic
16 purposes in women of any age.

17 b. The benefits provided by this section shall be provided to the
18 same extent and with the same deductibles, coinsurance, and other
19 cost sharing as apply to similar services under the policy.

20 c. This section shall apply to those individual health insurance
21 policies in which the insurer has reserved the right to change the
22 premium.

23

24 5. a. A group health insurance policy that provides hospital
25 and medical expense benefits and is delivered, issued, executed or
26 renewed in this State pursuant to N.J.S.17B:27-26 et seq., or
27 approved for issuance or renewal in this State by the Commissioner
28 of Banking and Insurance, on or after the effective date of this act,
29 shall provide coverage for expenses incurred in conducting digital
30 tomosynthesis to detect or screen for breast cancer in women 40
31 years of age and over; and for diagnostic purposes in women of any
32 age.

33 b. The benefits provided by this section shall be provided to the
34 same extent and with the same deductibles, coinsurance, and other
35 cost sharing as apply to similar services under the policy.

36 c. This section shall apply to those group health insurance
37 policies in which the insurer has reserved the right to change the
38 premium.

39

40 6. a. An individual health benefits plan that provides hospital
41 and medical expense benefits and is delivered, issued, executed or
42 renewed in this State pursuant to P.L.1992, c.161 (C.17B:27A-2 et
43 seq.), or approved for issuance or renewal in this State by the
44 Commissioner of Banking and Insurance, on or after the effective
45 date of this act, shall provide coverage for expenses incurred in
46 conducting digital tomosynthesis to detect or screen for breast
47 cancer in women 40 years of age and over; and for diagnostic
48 purposes in women of any age.

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1 b. The benefits provided by this section shall be provided to the
2 same extent and with the same deductibles, coinsurance, and other
3 cost sharing as apply to similar services under the health benefits
4 plan.

5 c. This section shall apply to those health benefits plans in
6 which the carrier has reserved the right to change the premium.
7

8 7. a. A small employer health benefits plan that provides
9 hospital and medical expense benefits and is delivered, issued,
10 executed or renewed in this State pursuant to P.L.1992, c.162
11 (C.17B:27A-17 et seq.), or approved for issuance or renewal in this
12 State by the Commissioner of Banking and Insurance, on or after
13 the effective date of this act, shall provide coverage for expenses
14 incurred in conducting digital tomosynthesis to detect or screen for
15 breast cancer in women 40 years of age and over; and for diagnostic
16 purposes in women of any age.

17 b. The benefits provided by this section shall be provided to the
18 same extent and with the same deductibles, coinsurance, and other
19 cost sharing as apply to similar services under the health benefits
20 plan.

21 c. This section shall apply to those health benefits plans in
22 which the carrier has reserved the right to change the premium.
23

24 8. a. A health maintenance organization contract for health
25 care services that is delivered, issued, executed, or renewed in this
26 State pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.), or approved
27 for issuance or renewal in this State by the Commissioner of
28 Banking and Insurance, on or after the effective date of this act,
29 shall provide coverage for expenses incurred in conducting digital
30 tomosynthesis to detect or screen for breast cancer in women 40
31 years of age and over; and for diagnostic purposes in women of any
32 age.

33 b. The benefits provided by this section shall be provided to the
34 same extent and with the same deductibles, coinsurance, and other
35 cost sharing as apply to similar services under the contract for
36 services.

37 c. This section shall apply to those contracts for health care
38 services under which the health maintenance organization has
39 reserved the right to change the schedule of charges for enrollee
40 coverage.
41

42 9. a. The State Health Benefits Commission shall ensure that
43 every contract purchased by the commission on or after the
44 effective date of this act that provides hospital and medical expense
45 benefits shall provide coverage for expenses incurred in conducting
46 digital tomosynthesis to detect or screen for breast cancer in women
47 40 years of age and over; and for diagnostic purposes in women of
48 any age.

1 b. The benefits provided by this section shall be provided to the
2 same extent and with the same deductibles, coinsurance, and other
3 cost sharing as apply to similar services under the contract.

4
5 10. a. The School Employees' Health Benefits Commission
6 shall ensure that every contract purchased by the commission on or
7 after the effective date of this act that provides hospital and medical
8 expense benefits shall provide coverage for expenses incurred in
9 conducting digital tomosynthesis to detect or screen for breast
10 cancer in women 40 years of age and over; and for diagnostic
11 purposes in women of any age.

12 b. The benefits provided by this section shall be provided to the
13 same extent and with the same deductibles, coinsurance, and other
14 cost sharing as apply to similar services under the contract.

15
16 11. This act shall take effect on the first day of the seventh
17 month next following enactment.

18

19

20

STATEMENT

21

22 This bill requires health insurers and health maintenance
23 organizations, as well as health benefits plans or contracts which
24 are issued or purchased pursuant to the New Jersey Individual
25 Health Coverage Program, New Jersey Small Employer Health
26 Benefits Program, State Health Benefits Program, and School
27 Employees' Health Benefits Program, to provide coverage for
28 expenses incurred in conducting digital tomosynthesis to detect or
29 screen for breast cancer in women 40 years of age and over; and for
30 diagnostic purposes in women of any age.

31 Digital tomosynthesis, also sometimes called 3-D
32 mammography, creates a three-dimensional picture of the breast
33 using x-rays. Several low-dose images from different angles around
34 the breast are used to create the final 3-D picture. Conventional
35 mammography produces one image of overlapping tissue, while
36 tomosynthesis provides multiple pictures of breast tissue as the
37 scanner moves in an arc. The difference between the images
38 produced by tomosynthesis and conventional mammography has
39 been described as being akin to a ball (three dimensional) versus a
40 circle (flat).

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 2793

STATE OF NEW JERSEY

DATED: FEBRUARY 27, 2017

The Senate Commerce Committee reports favorably Senate Bill No. 2793.

This bill requires health insurers and health maintenance organizations, as well as health benefits plans or contracts which are issued or purchased pursuant to the New Jersey Individual Health Coverage Program, New Jersey Small Employer Health Benefits Program, State Health Benefits Program, and School Employees' Health Benefits Program, to provide coverage for expenses incurred in conducting digital tomosynthesis to detect or screen for breast cancer in women 40 years of age and over; and for diagnostic purposes in women of any age.

Digital tomosynthesis, also sometimes called 3-D mammography, creates a three-dimensional picture of the breast using x-rays. Several low-dose images from different angles around the breast are used to create the final 3-D picture. Conventional mammography produces one image of overlapping tissue, while tomosynthesis provides multiple pictures of breast tissue as the scanner moves in an arc. The difference between the images produced by tomosynthesis and conventional mammography has been described as being akin to a ball (three dimensional) versus a circle (flat).

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 2793

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 1, 2017

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 2793, with committee amendments.

As amended, this bill requires health insurers and health maintenance organizations, as well as health benefits plans or contracts which are issued or purchased pursuant to the New Jersey Individual Health Coverage Program, New Jersey Small Employer Health Benefits Program, State Health Benefits Program, and School Employees' Health Benefits Program, to provide coverage for expenses incurred in conducting digital tomosynthesis to detect or screen for breast cancer in women 40 years of age and over; and for diagnostic purposes in women of any age.

Digital tomosynthesis, also sometimes called 3-D mammography, creates a three-dimensional picture of the breast using x-rays. Several low-dose images from different angles around the breast are used to create the final 3-D picture. Conventional mammography produces one image of overlapping tissue, while tomosynthesis provides multiple pictures of breast tissue as the scanner moves in an arc. The difference between the images produced by tomosynthesis and conventional mammography has been described as being akin to a ball (three dimensional) versus a circle (flat).

COMMITTEE AMENDMENTS:

The committee amendments provide that, with respect to the health benefits coverage required by the bill for digital tomosynthesis for screening and diagnosis related to breast cancer, no deductible, coinsurance or other cost sharing shall be applied when conducted to detect or screen for breast cancer in women 40 years of age and over; and when conducted for diagnostic purposes in women of any age, the same deductibles, coinsurance, and other cost sharing as apply to similar services under the contract shall be applied.

FISCAL IMPACT:

The Office of Legislative Services (OLS) notes that section 9 of P.L.2013, c.196 (C.52:14-17.29i) required the State to provide, subject to utilization review, coverage for digital breast tomosynthesis (DBT) if a baseline mammogram demonstrates extremely dense breast tissue or is abnormal, or if the patient has additional risk factors for breast cancer such as a family history of breast cancer.

Requiring DBT coverage under this bill would increase the number of women eligible for DBT examinations under the SHBP and SEHBP and, therefore, State costs by an indeterminate amount. The cost is indeterminate because the increased number of women who would have a DBT examination and higher DBT examination costs are unknown. For comparative purposes, the Plan Year 2015 Rate Renewal Reports estimated that the breast evaluation and other medically necessary testing requirement under section 9 of P.L.2013, c.196 (C.52:14-17.29i) would increase project Plan Year 2015 medical costs by 0.5 percent, or approximately \$12.4 million.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

SENATE, No. 2793

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: JUNE 15, 2017

SUMMARY

- Synopsis:** Requires health insurers, State Health Benefits Program (SHBP) and School Employees' Health Benefits Program (SEHBP) to provide coverage for digital tomosynthesis for screening and diagnostic purposes related to breast cancer.
- Type of Impact:** Expenditure increases to the State General Fund and to local governments.
- Agencies Affected:** Division of Pensions and Benefits, Department of the Treasury; local government entities.

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
State Cost	Indeterminate – See Comments Below.		
Local Cost	Indeterminate– See Comments Below.		

- The Office of Legislative Services estimates that providing coverage for digital breast tomosynthesis (DBT) screening and detection purposes to all women over the age of 40 without requiring the payment of copays, deductibles, or coinsurance would increase costs to the State Health Benefits Program (SHBP), the School Employees' Health Benefits Program (SEHBP) and local governments utilizing other insurance plans by an indeterminate amount. Insufficient data is available with which to estimate either the additional DBT examinations that state and local plans would be required to cover, or the number of examinations to which co-pays, deductibles, or co-insurance would no longer apply.
- This bill would require health insurers, the SHBP, the SEHBP and other insurance plans to provide screening and detection coverage without charging for deductibles, coinsurance, or other cost sharing requirements for DBT for women over the age of 40; and to provide DBT coverage for diagnostic purposes for women of all ages to the same extent and with the same deductibles, coinsurance, and other cost sharing as apply to similar services under the health benefits plans.

BILL DESCRIPTION

Senate Bill No. 2793 (1R) of 2016 requires health insurers and health maintenance organizations, as well as health benefits plans or contracts which are issued or purchased pursuant to the New Jersey Individual Health Coverage Program, New Jersey Small Employer Health Benefits Program, State Health Benefits Program, and School Employees' Health Benefits Program, to provide screening and detection coverage without charging for deductibles, coinsurance, or other cost sharing requirements for DBT for women over the age of 40; and to provide DBT coverage for diagnostic purposes for women of all ages to the same extent and with the same deductibles, coinsurance, and other cost sharing as apply to similar services under the health benefits plan.

Digital tomosynthesis, also sometimes called 3-D mammography, creates a three-dimensional picture of the breast using x-rays. Several low-dose images from different angles around the breast are used to create the final 3-D picture. Conventional mammography produces one image of overlapping tissue, while tomosynthesis provides multiple pictures of breast tissue as the scanner moves in an arc. The difference between the images produced by tomosynthesis and conventional mammography has been described as being akin to a ball (three dimensional) versus a circle (flat).

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services estimates that this bill will increase state and local costs by an indeterminate amount.

This bill would require health insurers, the SHBP, and the SEHBP to provide screening and detection coverage without charging for deductibles, coinsurance, or other cost sharing requirements for DBT for women over the age of 40; and to provide DBT coverage for diagnostic purposes for women of all ages to the same extent and with the same deductibles, coinsurance, and other cost sharing as apply to similar services under the health benefits plan. P.L.2013, c.196 (C.52:14-17.29i) required the State to provide, subject to utilization review, coverage for ultrasound evaluations, magnetic resonance imaging scans, three-dimensional mammographies also known as digital breast tomosynthesis (DBT), or other additional testing of an entire breast or breasts, after a baseline mammogram examination, if the mammogram demonstrates extremely dense breast tissue, if the mammogram is abnormal within any degree of breast density, or if the patient has additional risk factors for breast cancer such as a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other factors as determined by the patient's health care provider.

The DBT uses X-Ray machines to take pictures of thin "slices" of the breast from different angles and computer software is used to reconstruct an image allowing health care professionals to see a three dimensional as opposed to a flat picture of the breast.

Providing coverage for DBT screening and detection purposes to all women over the age of 40 without requiring the payment of copays, deductibles, or coinsurance would increase costs to the SHBP, the SEHBP and local governments providing health coverage through other insurance

plans by an indeterminate amount. The cost is indeterminate because the number of additional DBT examinations and the number of examinations to which co-pays, deductibles, and co-insurance would not apply, are unknown. The Plan Year 2015 Rate Renewal Reports by Aon estimated that the breast evaluation and other medically necessary testing requirement under P.L.2013, c.196 (C.52:14-17.29i) would increase project Plan Year 2015 medical costs by 0.5 percent, which is equal to approximately \$12.4 million. The Aon Rate Renewal Report did not specify what percentage of the cost increase was attributable to ultrasound evaluation, magnetic resonance imaging scan, or DBT. This estimate may not be indicative of the impact of this bill, given differences in scope and other factors.

Section: State Government

*Analyst: Kimberly M. Clemmensen
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 4320

STATE OF NEW JERSEY 217th LEGISLATURE

INTRODUCED NOVEMBER 14, 2016

Sponsored by:

Assemblyman TROY SINGLETON

District 7 (Burlington)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblyman ROBERT AUTH

District 39 (Bergen and Passaic)

Assemblywoman PAMELA R. LAMPITT

District 6 (Burlington and Camden)

Co-Sponsored by:

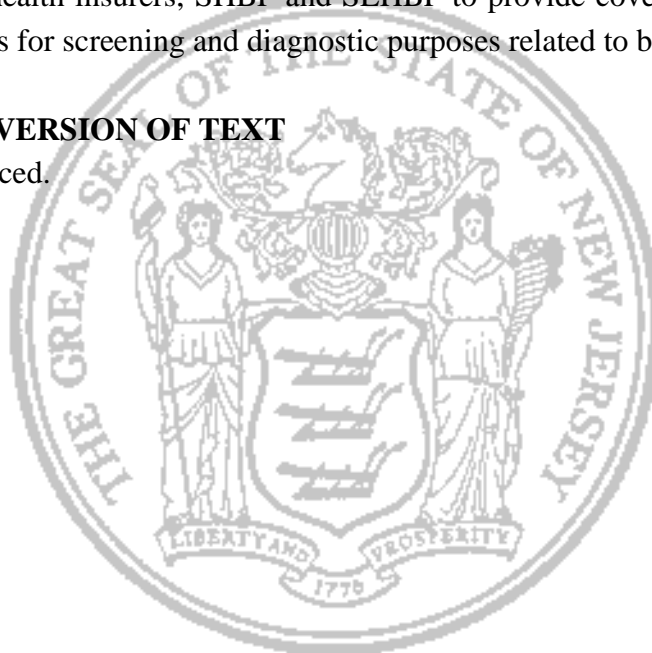
Assemblywomen Downey, Caride and Assemblyman Eustace

SYNOPSIS

Requires health insurers, SHBP and SEHBP to provide coverage for digital tomosynthesis for screening and diagnostic purposes related to breast cancer.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/7/2017)

1 AN ACT requiring health insurance coverage for digital
2 tomosynthesis of the breast and supplementing various parts of
3 the statutory law.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. a. A hospital service corporation contract that provides
9 hospital and medical expense benefits and is delivered, issued,
10 executed or renewed in this State pursuant to P.L.1938, c.366
11 (C.17:48-1 et seq.), or approved for issuance or renewal in this State
12 by the Commissioner of Banking and Insurance, on or after the
13 effective date of this act, shall provide coverage for expenses
14 incurred in conducting digital tomosynthesis to detect or screen for
15 breast cancer in women 40 years of age and over; and for diagnostic
16 purposes in women of any age.

17 b. The benefits provided by this section shall be provided to the
18 same extent and with the same deductibles, coinsurance, and other
19 cost sharing as apply to similar services under the contract.

20 c. This section shall apply to those hospital service corporation
21 contracts in which the hospital service corporation has reserved the
22 right to change the premium.

23
24 2. a. A medical service corporation contract that provides
25 hospital and medical expense benefits and is delivered, issued,
26 executed or renewed in this State pursuant to P.L.1940, c.74
27 (C.17:48A-1 et seq.), or approved for issuance or renewal in this
28 State by the Commissioner of Banking and Insurance, on or after
29 the effective date of this act, shall provide coverage for expenses
30 incurred in conducting digital tomosynthesis to detect or screen for
31 breast cancer in women 40 years of age and over; and for diagnostic
32 purposes in women of any age.

33 b. The benefits provided by this section shall be provided to the
34 same extent and with the same deductibles, coinsurance, and other
35 cost sharing as apply to similar services under the contract.

36 c. This section shall apply to those medical service corporation
37 contracts in which the medical service corporation has reserved the
38 right to change the premium.

39
40 3. a. A health service corporation contract that provides
41 hospital and medical expense benefits and is delivered, issued,
42 executed or renewed in this State pursuant to P.L.1985, c.236
43 (C.17:48E-1 et seq.), or approved for issuance or renewal in this
44 State by the Commissioner of Banking and Insurance, on or after
45 the effective date of this act, shall provide coverage for expenses
46 incurred in conducting digital tomosynthesis to detect or screen for
47 breast cancer in women 40 years of age and over; and for diagnostic
48 purposes in women of any age.

1 b. The benefits provided by this section shall be provided to the
2 same extent and with the same deductibles, coinsurance, and other
3 cost sharing as apply to similar services under the contract.

4 c. This section shall apply to those health service corporation
5 contracts in which the health service corporation has reserved the
6 right to change the premium.

7

8 4. a. An individual health insurance policy that provides
9 hospital and medical expense benefits and is delivered, issued,
10 executed or renewed in this State pursuant to N.J.S.17B:26-1 et
11 seq., or approved for issuance or renewal in this State by the
12 Commissioner of Banking and Insurance, on or after the effective
13 date of this act, shall provide coverage for expenses incurred in
14 conducting digital tomosynthesis to detect or screen for breast
15 cancer in women 40 years of age and over; and for diagnostic
16 purposes in women of any age.

17 b. The benefits provided by this section shall be provided to the
18 same extent and with the same deductibles, coinsurance, and other
19 cost sharing as apply to similar services under the policy.

20 c. This section shall apply to those individual health insurance
21 policies in which the insurer has reserved the right to change the
22 premium.

23

24 5. a. A group health insurance policy that provides hospital
25 and medical expense benefits and is delivered, issued, executed or
26 renewed in this State pursuant to N.J.S.17B:27-26 et seq., or
27 approved for issuance or renewal in this State by the Commissioner
28 of Banking and Insurance, on or after the effective date of this act,
29 shall provide coverage for expenses incurred in conducting digital
30 tomosynthesis to detect or screen for breast cancer in women 40
31 years of age and over; and for diagnostic purposes in women of any
32 age.

33 b. The benefits provided by this section shall be provided to the
34 same extent and with the same deductibles, coinsurance, and other
35 cost sharing as apply to similar services under the policy.

36 c. This section shall apply to those group health insurance
37 policies in which the insurer has reserved the right to change the
38 premium.

39

40 6. a. An individual health benefits plan that provides hospital
41 and medical expense benefits and is delivered, issued, executed or
42 renewed in this State pursuant to P.L.1992, c.161 (C.17B:27A-2 et
43 seq.), or approved for issuance or renewal in this State by the
44 Commissioner of Banking and Insurance, on or after the effective
45 date of this act, shall provide coverage for expenses incurred in
46 conducting digital tomosynthesis to detect or screen for breast
47 cancer in women 40 years of age and over; and for diagnostic
48 purposes in women of any age.

1 b. The benefits provided by this section shall be provided to the
2 same extent and with the same deductibles, coinsurance, and other
3 cost sharing as apply to similar services under the health benefits
4 plan.

5 c. This section shall apply to those health benefits plans in
6 which the carrier has reserved the right to change the premium.
7

8 7. a. A small employer health benefits plan that provides
9 hospital and medical expense benefits and is delivered, issued,
10 executed or renewed in this State pursuant to P.L.1992, c.162
11 (C.17B:27A-17 et seq.), or approved for issuance or renewal in this
12 State by the Commissioner of Banking and Insurance, on or after
13 the effective date of this act, shall provide coverage for expenses
14 incurred in conducting digital tomosynthesis to detect or screen for
15 breast cancer in women 40 years of age and over; and for diagnostic
16 purposes in women of any age.

17 b. The benefits provided by this section shall be provided to the
18 same extent and with the same deductibles, coinsurance, and other
19 cost sharing as apply to similar services under the health benefits
20 plan.

21 c. This section shall apply to those health benefits plans in
22 which the carrier has reserved the right to change the premium.
23

24 8. a. A health maintenance organization contract for health
25 care services that is delivered, issued, executed, or renewed in this
26 State pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.), or approved
27 for issuance or renewal in this State by the Commissioner of
28 Banking and Insurance, on or after the effective date of this act,
29 shall provide coverage for expenses incurred in conducting digital
30 tomosynthesis to detect or screen for breast cancer in women 40
31 years of age and over; and for diagnostic purposes in women of any
32 age.

33 b. The benefits provided by this section shall be provided to the
34 same extent and with the same deductibles, coinsurance, and other
35 cost sharing as apply to similar services under the contract for
36 services.

37 c. This section shall apply to those contracts for health care
38 services under which the health maintenance organization has
39 reserved the right to change the schedule of charges for enrollee
40 coverage.
41

42 9. a. The State Health Benefits Commission shall ensure that
43 every contract purchased by the commission on or after the
44 effective date of this act that provides hospital and medical expense
45 benefits shall provide coverage for expenses incurred in conducting
46 digital tomosynthesis to detect or screen for breast cancer in women
47 40 years of age and over; and for diagnostic purposes in women of
48 any age.

1 b. The benefits provided by this section shall be provided to the
2 same extent and with the same deductibles, coinsurance, and other
3 cost sharing as apply to similar services under the contract.

4
5 10. a. The School Employees' Health Benefits Commission
6 shall ensure that every contract purchased by the commission on or
7 after the effective date of this act that provides hospital and medical
8 expense benefits shall provide coverage for expenses incurred in
9 conducting digital tomosynthesis to detect or screen for breast
10 cancer in women 40 years of age and over; and for diagnostic
11 purposes in women of any age.

12 b. The benefits provided by this section shall be provided to the
13 same extent and with the same deductibles, coinsurance, and other
14 cost sharing as apply to similar services under the contract.

15
16 11. This act shall take effect on the first day of the seventh
17 month next following enactment.

18
19
20 STATEMENT

21
22 This bill requires health insurers and health maintenance
23 organizations, as well as health benefits plans or contracts which
24 are issued or purchased pursuant to the New Jersey Individual
25 Health Coverage Program, New Jersey Small Employer Health
26 Benefits Program, State Health Benefits Program, and School
27 Employees' Health Benefits Program, to provide coverage for
28 expenses incurred in conducting digital tomosynthesis to detect or
29 screen for breast cancer in women 40 years of age and over; and for
30 diagnostic purposes in women of any age.

31 Digital tomosynthesis, also sometimes called 3-D
32 mammography, creates a three-dimensional picture of the breast
33 using x-rays. Several low-dose images from different angles around
34 the breast are used to create the final 3-D picture. Conventional
35 mammography produces one image of overlapping tissue, while
36 tomosynthesis provides multiple pictures of breast tissue as the
37 scanner moves in an arc. The difference between the images
38 produced by tomosynthesis and conventional mammography has
39 been described as being akin to a ball (three dimensional) versus a
40 circle (flat).

ASSEMBLY FINANCIAL INSTITUTIONS AND INSURANCE
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 4320

STATE OF NEW JERSEY

DATED: DECEMBER 5, 2016

The Assembly Financial Institutions and Insurance Committee reports favorably Assembly Bill No. 4320.

This bill requires health insurers and health maintenance organizations, as well as health benefits plans or contracts which are issued or purchased pursuant to the New Jersey Individual Health Coverage Program, New Jersey Small Employer Health Benefits Program, State Health Benefits Program, and School Employees' Health Benefits Program, to provide coverage for expenses incurred in conducting digital tomosynthesis to detect or screen for breast cancer in women 40 years of age and over; and for diagnostic purposes in women of any age.

Digital tomosynthesis, also sometimes called 3-D mammography, creates a three-dimensional picture of the breast using x-rays. Several low-dose images from different angles around the breast are used to create the final 3-D picture. Conventional mammography produces one image of overlapping tissue, while tomosynthesis provides multiple pictures of breast tissue as the scanner moves in an arc. The difference between the images produced by tomosynthesis and conventional mammography has been described as being akin to a ball (three dimensional) versus a circle (flat).

STATEMENT TO
ASSEMBLY, No. 4320

with Assembly Floor Amendments
(Proposed by Assemblyman SINGLETON)

ADOPTED: MARCH 16, 2017

These amendments provide that, with respect to the health benefits coverage required by the bill for digital tomosynthesis for screening and diagnosis related to breast cancer, no deductible, coinsurance or other cost sharing shall be applied when conducted to detect or screen for breast cancer in women 40 years of age and over; and when conducted for diagnostic purposes in women of any age, the same deductibles, coinsurance, and other cost sharing as apply to similar services under the contract shall be applied.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 4320

STATE OF NEW JERSEY 217th LEGISLATURE

DATED: JANUARY 10, 2018

SUMMARY

- Synopsis:** Requires health insurers, SHBP and SEHBP to provide coverage for digital tomosynthesis for screening and diagnostic purposes related to breast cancer.
- Type of Impact:** Expenditure increases to the State General Fund and to local governments.
- Agencies Affected:** Division of Pensions and Benefits, Department of the Treasury; local government entities.

Office of Legislative Services Estimate

Fiscal Impact	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>
State Cost	Indeterminate – See Comments Below.		
Local Cost	Indeterminate– See Comments Below.		

- The Office of Legislative Services estimates that providing coverage for digital breast tomosynthesis (DBT) screening and detection purposes to all women over the age of 40 without requiring the payment of copays, deductibles, or coinsurance would increase costs to the State Health Benefits Program (SHBP), the School Employees' Health Benefits Program (SEHBP) and local governments utilizing other insurance plans by an indeterminate amount. Insufficient data is available with which to estimate either the additional DBT examinations that state and local plans would be required to cover, or the number of examinations to which co-pays, deductibles, or co-insurance would no longer apply.
- This bill would require health insurers, the SHBP, the SEHBP and other insurance plans to provide screening and detection coverage without charging for deductibles, coinsurance, or other cost sharing requirements for DBT for women over the age of 40; and to provide DBT coverage for diagnostic purposes for women of all ages to the same extent and with the same deductibles, coinsurance, and other cost sharing as apply to similar services under the health benefits plans.

BILL DESCRIPTION

This bill requires health insurers and health maintenance organizations, as well as health benefits plans or contracts which are issued or purchased pursuant to the New Jersey Individual Health Coverage Program, New Jersey Small Employer Health Benefits Program, SHBP, and SEHBP, to provide screening and detection coverage without charging for deductibles, coinsurance, or other cost sharing requirements for DBT for women over the age of 40; and to provide DBT coverage for diagnostic purposes for women of all ages to the same extent and with the same deductibles, coinsurance, and other cost sharing as apply to similar services under the health benefits plan.

Digital tomosynthesis, also sometimes called 3-D mammography, creates a three-dimensional picture of the breast using x-rays. Several low-dose images from different angles around the breast are used to create the final 3-D picture. Conventional mammography produces one image of overlapping tissue, while tomosynthesis provides multiple pictures of breast tissue as the scanner moves in an arc. The difference between the images produced by tomosynthesis and conventional mammography has been described as being akin to a ball (three dimensional) versus a circle (flat).

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services estimates that this bill will increase state and local costs by an indeterminate amount.

This bill would require health insurers, the SHBP, and the SEHBP to provide screening and detection coverage without charging for deductibles, coinsurance, or other cost sharing requirements for DBT for women over the age of 40; and to provide DBT coverage for diagnostic purposes for women of all ages to the same extent and with the same deductibles, coinsurance, and other cost sharing as apply to similar services under the health benefits plan. P.L.2013, c.196 (C.52:14-17.29i) required the State to provide, subject to utilization review, coverage for ultrasound evaluations, magnetic resonance imaging scans, three-dimensional mammographies also known as digital breast tomosynthesis (DBT), or other additional testing of an entire breast or breasts, after a baseline mammogram examination, if the mammogram demonstrates extremely dense breast tissue, if the mammogram is abnormal within any degree of breast density, or if the patient has additional risk factors for breast cancer such as a family history of breast cancer, prior personal history of breast cancer, positive genetic testing, or other factors as determined by the patient's health care provider.

The DBT uses X-Ray machines to take pictures of thin "slices" of the breast from different angles and computer software is used to reconstruct an image allowing health care professionals to see a three dimensional as opposed to a flat picture of the breast.

Providing coverage for DBT screening and detection purposes to all women over the age of 40 without requiring the payment of copays, deductibles, or coinsurance would increase costs to the SHBP, the SEHBP and local governments providing health coverage through other insurance

plans by an indeterminate amount. The cost is indeterminate because the number of additional DBT examinations and the number of examinations to which co-pays, deductibles, and co-insurance would not apply, are unknown. The Plan Year 2015 Rate Renewal Reports by Aon estimated that the breast evaluation and other medically necessary testing requirement under P.L.2013, c.196 (C.52:14-17.29i) would increase project Plan Year 2015 medical costs by 0.5 percent, which is equal to approximately \$12.4 million. The Aon Rate Renewal Report did not specify what percentage of the cost increase was attributable to ultrasound evaluation, magnetic resonance imaging scan, or DBT. This estimate may not be indicative of the impact of this bill, given differences in scope and other factors.

Section: State Government

*Analyst: Kimberly M. Clemmensen
Senior Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

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