

Second Regular Session

Sixty-second General Assembly

LLS NO. 00-0564.01 Julie Hoerner

SENATE BILL 00-048

STATE OF COLORADO

BY SENATOR Tanner

A BILL FOR AN ACT

101 CONCERNING EQUAL INSURANCE COVERAGE FOR DIAGNOSTIC
102 MAMMOGRAPHY SCREENINGS FOR MEN WHEN DETERMINED
103 MEDICALLY NECESSARY BY A PHYSICIAN.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Finds that breast cancer occurs in both men and women and that 1% of the Coloradans diagnosed with breast cancer are men. Finds that 80%-90% of suspicious cancerous areas in male patients have been diagnosed by mammography. Determines that Colorado will benefit by extending equal insurance coverage for diagnostic mammography to men.

Requires that reimbursement be extended to men whose physicians have determined a diagnostic mammography is medically necessary.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** The general assembly
3 hereby finds, determines, and declares that breast cancer occurs in both
4 male and female members of the Colorado community. Approximately
5 one percent of the Coloradans diagnosed with breast cancer are men.
6 Through the use of mammography, between eighty and ninety percent of
7 the positive or suspicious cancerous areas in male breast cancer patients

1 have been identified. In 1998, the Colorado department of public health
2 and environment anticipated that twenty men would be diagnosed with
3 breast cancer in Colorado of whom approximately five would die. In
4 1999, the American Cancer Society anticipated that approximately one
5 thousand three hundred new cases of male breast cancer would be
6 diagnosed nationally, and of those diagnosed, four hundred would die.
7 Cancer adversely affects the patient, the patient's family, and the
8 community. Therefore, the general assembly declares that it is in the best
9 interests of Coloradans that equal insurance coverage for diagnostic
10 mammography be extended to men.

11 **SECTION 2.** The introductory portion to 10-16-104 (4) (a),
12 Colorado Revised Statutes, is amended, and the said 10-16-104 (4) (a) is
13 further amended BY THE ADDITION OF A NEW SUBPARAGRAPH,
14 to read:

15 **10-16-104. Mandatory coverage provisions. (4) Low-dose**
16 **mammography.** (a) For the purposes of this subsection (4), "low-dose
17 mammography" means the X-ray examination of the breast using
18 equipment dedicated specifically for mammography, including but not
19 limited to the X-ray tube, filter, compression device, screens, and film
20 and cassettes, with an average radiation exposure delivery of less than
21 one rad mid-breast, with two views for each breast. All individual and all
22 group sickness and accident insurance policies, except supplemental
23 policies covering a specified disease or other limited benefit, ~~which~~ THAT
24 are delivered or issued for delivery within the state by an entity subject
25 to the provisions of part 2 of this article and all individual and group
26 health care service or indemnity contracts issued by an entity subject to

1 the provisions of part 3 or 4 of this article, as well as any other group
2 health care coverage provided to residents of this state, shall provide
3 coverage for routine and certain diagnostic screening by low-dose
4 mammography for the presence of breast cancer in adult women AND
5 DIAGNOSTIC SCREENING BY LOW-DOSE MAMMOGRAPHY FOR ADULT MEN.
6 Routine and diagnostic screenings provided pursuant to subparagraph (II)
7 or (III) of this paragraph (a) shall be provided on a contract year or a
8 calendar year basis by entities subject to part 2 or 3 of this article and
9 shall not be subject to policy deductibles. Such coverages shall be the
10 lesser of sixty dollars per mammography screening, or the actual charge
11 for such screening. The minimum benefit required under this subsection
12 (4) shall be adjusted to reflect increases and decreases in the consumer
13 price index. Benefits for routine mammography screenings shall be
14 determined on a calendar year or a contract year basis, which shall be
15 specified in the policy or contract. The routine and diagnostic coverages
16 provided pursuant to this subsection (4) shall in no way diminish or limit
17 diagnostic benefits otherwise allowable under a policy. If an insured
18 person who is eligible for a routine mammography screening benefit
19 pursuant to subparagraphs (I), (II), ~~and~~ (III), AND (IV) of this paragraph
20 (a) has not utilized such benefit during a calendar year or a contract year,
21 then such provisions shall apply to one diagnostic screening for such
22 year. If more than one diagnostic screening is provided for such person
23 in a given calendar year or contract year, the other diagnostic service
24 benefit provisions in the policy or contract shall apply with respect to
25 such additional screenings. This mandated mammography coverage shall
26 be provided according to the following guidelines:

1 (IV) DIAGNOSTIC SCREENING FOR ANY ADULT MAN WHOSE
2 PHYSICIAN HAS DETERMINED IT TO BE MEDICALLY NECESSARY FOR AN
3 ENTITY SUBJECT TO PART 2 OR 3 OF THIS ARTICLE, OR AS DETERMINED BY
4 A PARTICIPATING PHYSICIAN FOR AN ENTITY SUBJECT TO PART 4 OF THIS
5 ARTICLE.

6 **SECTION 3.** 25-4-1501, Colorado Revised Statutes, is amended
7 to read:

8 **25-4-1501. Legislative declaration.** The general assembly hereby
9 finds and declares that the incidence of breast cancer in ~~women~~
10 RESIDENTS of this state is a significant health problem that can and should
11 be reduced through early detection and treatment. Accordingly, it is the
12 intention of the general assembly in enacting this part 15 to provide breast
13 cancer screening where it is not otherwise readily available for reasons
14 of cost or distance to suitable medical facilities.

15 **SECTION 4.** 25-4-1504 (1) (b), Colorado Revised Statutes, is
16 amended to read:

17 **25-4-1504. Allocation of fund.** (1) All moneys in the fund shall
18 be used by the department for the following purposes:

19 (b) The creation and operation of a referral service for the benefit
20 of ~~women~~ INDIVIDUALS for whom further examination or treatment is
21 indicated by the breast cancer screening.

22 **SECTION 5.** 25-4-1505 (3) and (4), Colorado Revised Statutes,
23 are amended to read:

24 **25-4-1505. Powers and duties of the department and the**
25 **advisory board.** (3) Any program of breast cancer screening conducted
26 pursuant to this part 15 shall be conducted so as to make such screening

1 available to ~~women~~ INDIVIDUALS whose economic circumstances or
2 geographic location otherwise serve to limit access to similar screening
3 facilities. Emphasis shall be placed upon providing service to rural areas
4 not otherwise served by alternate providers of breast cancer screening.

5 (4) The department may adopt a schedule of fees to be charged for
6 breast cancer screening. The schedule of fees shall be determined so as
7 to make such screening available to the largest possible number of ~~women~~
8 INDIVIDUALS. The department shall, where practical, collect any
9 available insurance proceeds or other reimbursement payable on behalf
10 of any recipient of a breast cancer screening under this part 15 and may
11 adjust the schedule of fees to reflect insurance contributions. All fees
12 collected shall be credited to the fund.

13 **SECTION 6. Safety clause.** The general assembly hereby finds,
14 determines, and declares that this act is necessary for the immediate
15 preservation of the public peace, health, and safety.