

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 876**

Introduced by Wallman, 30; Avery, 28; Bloomfield, 17; Brasch, 16; Campbell, 25; Christensen, 44; Coash, 27; Cook, 13; Cornett, 45; Council, 11; Dubas, 34; Haar, 21; Hadley, 37; Harms, 48; Howard, 9; Karpisek, 32; Krist, 10; Lambert, 2; Lathrop, 12; Louden, 49; McGill, 26; Mello, 5; Nordquist, 7; Pahls, 31; Sullivan, 41; Wightman, 36.

Read first time January 06, 2012

Committee: Banking, Commerce and Insurance

A BILL

1 FOR AN ACT relating to insurance; to amend section 44-785, Reissue  
2 Revised Statutes of Nebraska; to require the provision of  
3 breast density information to a mammography patient as  
4 prescribed; and to repeal the original section.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 44-785, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           44-785 (1) Notwithstanding section 44-3,131, (a) any  
4 individual or group sickness and accident insurance policy or  
5 subscriber contract delivered, issued for delivery, or renewed in  
6 this state and any hospital, medical, or surgical expense-incurred  
7 policy, except for policies that provide coverage for a specified  
8 disease or other limited-benefit coverage, and (b) any self-funded  
9 employee benefit plan to the extent not preempted by federal law  
10 shall include coverage for screening mammography as follows:

11           (i) For women who are thirty-five years of age and older  
12 but younger than forty years of age, one base-line mammogram between  
13 thirty-five and forty years of age;

14           (ii) For women who are forty years of age and older but  
15 younger than fifty years of age, one mammogram every two years or  
16 more frequently based on the patient's physician's recommendation;  
17 and

18           (iii) For women who are fifty years of age or older, one  
19 mammogram every year.

20           (2) On and after the effective date of this act, each  
21 mammography report provided to a patient shall include information  
22 about breast density based on the Breast Imaging Reporting and Data  
23 System established by the American College of Radiology. Where  
24 applicable, such report shall include the following notice: "If your  
25 mammogram demonstrates that you have dense breast tissue, which could

1 hide small abnormalities, you might benefit from supplementary  
2 screening tests, which can include a breast ultrasound screening or a  
3 breast magnetic resonance imaging examination, or both, depending on  
4 your individual risk factors. A report of your mammography results,  
5 which contains information about your breast density, has been sent  
6 to your physician's office and you should contact your physician if  
7 you have any questions or concerns about this report.".

8           ~~(2)~~(3) This section does not prevent application of  
9 deductible or copayment provisions contained in the policy or health  
10 benefit plan or require that coverage under an individual or group  
11 policy or health benefit plan be extended to any other procedures.  
12 The coverage provided by this section shall not be less favorable  
13 than for other radiological examinations. This section does not apply  
14 if the covered individuals are provided an ongoing screening  
15 mammography program which at a minimum meets the requirements of this  
16 section as a separate benefit.

17           ~~(3)~~(4) For purposes of this section, screening  
18 mammography shall mean radiological examination of the breast of  
19 asymptomatic women for the early detection of breast cancer, which  
20 examination shall include (a) a cranio-caudal and a medial lateral  
21 oblique view of each breast and (b) a licensed radiologist's  
22 interpretation of the results of the procedure. Screening mammography  
23 shall not include diagnostic mammography, additional projections  
24 required for lesion definition, breast ultrasound, or any breast  
25 interventional procedure. Screening mammography shall be performed by

1 a mammogram supplier who meets the standards of the ~~federal~~  
2 ~~Mammography Quality Standards Act of 1992.~~ 42 U.S.C. 263b.  
3                   Sec. 2. Original section 44-785, Reissue Revised Statutes  
4 of Nebraska, is repealed.