Navigating Pathways to Advance Health Policy

A 2024 Policy Case Study to Enhance Insurance Coverage for Supplemental Breast Imaging in New York State

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Policy Goal

Advance legislation to enhance insurance coverage for supplemental breast cancer screening

Coverage Gaps for Patients with Dense Breasts

- Since 2014, NYS has required notification to patients who have dense breasts
  - Patients informed of risks of dense breasts
  - Recommended to ask their doctor about additional screening tests
- Insurance law loopholes allow health plans to deny coverage for supplemental breast cancer screening for individuals with dense breast tissue based on their determination of medical necessity

Dear Patient:

Your mammogram shows that your breast tissue is dense. Dense breast tissue is very common and is not abnormal. However, dense breast tissue can make it **harder to find cancer on a mammogram and may also be associated with an increased risk of breast cancer.**

This information about the result of your mammogram is given to you to raise your awareness. Use this information to talk to your doctor about your own risks for breast cancer. At that time, **ask your doctor if more screening tests might be useful, based on your risk.** A report of your results was sent to your physician.

Historical Background

January 2013

NYS enacts requirement for mammographers to notify patients if they have dense breasts

January 2017

NYS enacts legislation to eliminate annual deductibles, co-payments, and co-insurance payments for screening and diagnostic imaging for the detection of breast cancer

March 2023

FDA updates mammography regulations to require reporting of breast density information nationwide to take effect on September 10, 2024

May 2023

American College of Radiology issues updated Breast Cancer Screening Guidelines calling for earlier and more intensive screening for high-risk women including those with dense breasts

April 2024

USPSTF issues updated Breast Cancer Screening Guidelines that fall short of recommending supplemental screening for individuals with dense breasts

National Policy Landscape

Pending Federal "Find it Early Act" (HR 3086), Reps. Rosa DeLauro and Brian Fitzpatrick

- Would ensure all health insurance plans cover screening and diagnostic breast imaging with no out-of-pockets costs for women with dense breasts or at higher risk for breast cancer

Other States Enacting Enhanced Supplemental Screening Coverage Policies:

2023 Passage of Maryland Legislation: HB 376/SB 184

- Prohibits insurers from imposing co-payments, coinsurance, or deductible requirements for diagnostic and supplemental breast examinations

2023 Passage of Rhode Island Legislation: HB 5283

- Mandates insurance coverage for any additional screenings deemed medically necessary for individuals who have received notice of dense breast tissue in accordance with American College of Radiology recommendations.

NYS Policy Context

Existing Legislation in NYS

- **S2917, Cleare/ A2516, Paulin: Would utilize a notification of dense breast tissue as justification of medical necessity for supplemental breast ultrasounds**
  - *Drawbacks:*
    - Would not include coverage for breast screening MRI or diagnostic imaging
    - Bill was a non-starter for Assembly Insurance
- **S2465, Persaud/ A1696, Hunter: Would have allowed an additional 120 days for a second mammogram after an initial mammogram shows an abnormality or dense breast tissue**
  - *Drawbacks:*
    - Bill did not align with clinical standard of care

Policy Opportunity

- Recent reports of health plan denials for supplemental screenings
- Seven years since enactment of last breast cancer screening coverage requirements
- Elevated interest during an election year
  - Governor Hochul prioritizing healthcare affordability and access
  - Assembly and Senate Insurance Committees
  - Key lawmakers committed to enhancing cancer screening access and reducing health disparities

Compromise Legislation

(iii) an annual mammogram, which may be provided by breast tomosynthesis, for covered persons aged forty and older; and

(iv) upon the recommendation of a physician, screening and diagnostic imaging, including diagnostic mammograms, breast ultrasounds, or magnetic resonance imaging, recommended by nationally recognized clinical practice guidelines for the detection of breast cancer. For the purposes of this item, "nationally recognized clinical practice guidelines" means evidence-based clinical practice guidelines informed by a systematic review of evidence and an assessment of the benefits, and risks of alternative care options intended to optimize patient care developed by independent organizations or medical professional societies utilizing a transparent methodology and reporting structure and with a conflict of interest policy.

(B) Such coverage required pursuant to subparagraph (A) or (C) of this paragraph shall not be subject to annual deductibles or coinsurance. If under federal law, application of this requirement would result in health savings account ineligibility under 26 USC 223, this requirement shall apply for health savings account-qualified high deductible health plans with respect to the deductible of such a plan after the enrollee has satisfied the minimum deductible under 26 USC 223, except for with respect to items or services that are preventive care pursuant to 26 USC 223(c)(2)(C), in which case the requirements of this paragraph shall apply regardless of whether the minimum deductible under 26 USC 223 has been satisfied.

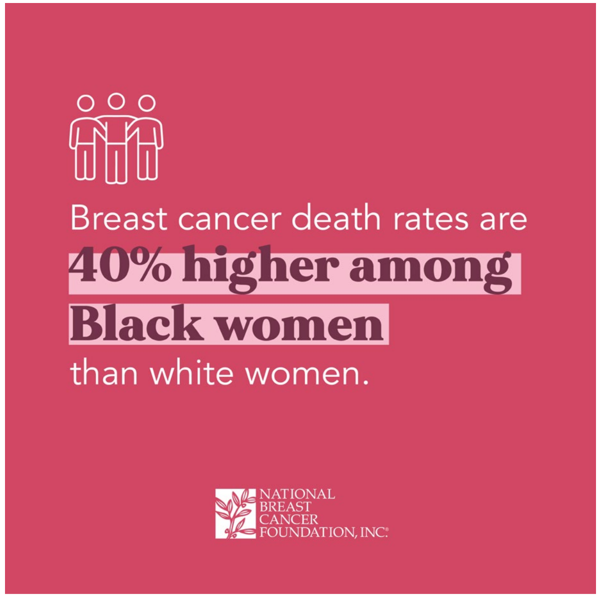
S2465-C, Persaud/ A1696-C, Hunter

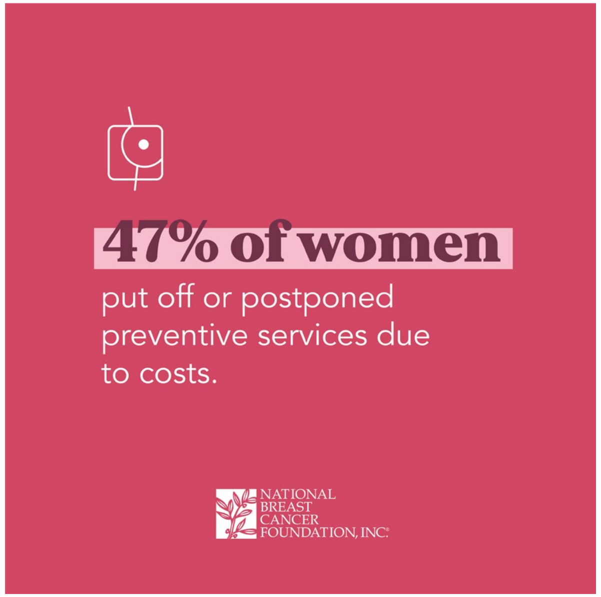
- Amendments agreed upon by Assembly & Senate Insurance Committees
- NYSRS pushed for references to “nationally recognized clinical practice guidelines” that recommend supplemental screening for patients with dense breasts
  - American College of Radiology
  - National Comprehensive Cancer Network
  - Society of Breast Imaging
  - The American Society of Breast Surgeons

Effective Advocacy

Policy Considerations

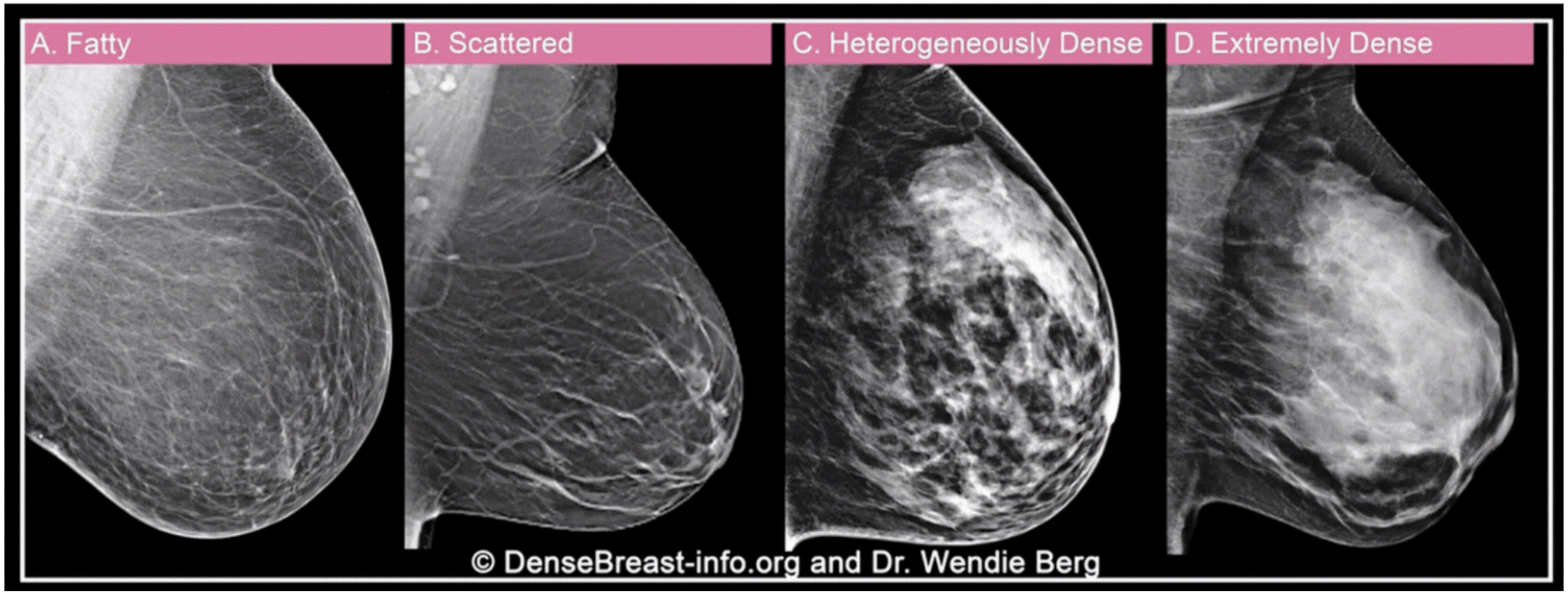
- Clinical guidelines and recommendations
- Limitations of mammography for patients at higher risk
- Benefits of early breast cancer detection
- Breast cancer incidence and mortality disparities





Lawmaker Education

Mammography



Breast Ultrasound

9/27/24

Honorable Kathy Hochul
Executive Chamber
New York State Capitol
Albany, NY 12224

Re: A1696-C, Hunter / S2465-C, Persaud, to provide commercial insurance coverage for supplemental breast cancer screening and diagnostic imaging

Dear Governor Hochul:

The signatory organizations below strongly support legislation A1696-C, Hunter / S2465-C, Persaud which would require commercial health insurance coverage of supplemental screening and diagnostic breast imaging including mammography, breast ultrasound and breast magnetic resonance imaging (MRI). Our organizations respectfully request your signature on this legislation to enhance access to breast cancer screening in New York State, particularly for individuals with dense breast tissue.

Radiology practices are legally required to notify women if they are found to have dense breasts on mammography imaging. This notification is important because dense breasts can make a mammogram more difficult to interpret. This is because dense breast tissue and an abnormality, which may be benign or malignant, may appear white on a mammogram. This makes mammography less sensitive for women with dense breasts and may lead a provider to recommend additional screening exams. Dense breast tissue also increases an individual's inherent cancer risk. Women with extremely dense breasts have approximately twice the risk of women at 'average' risk of breast cancer.

In New York, when patients are notified that they have dense breasts, they are instructed to "ask your doctor if more screening tests might be useful". These discussions may lead a provider to recommend supplemental screening based on an assessment of the patient's

Average Number of Cancers Found by Breast Screening Test*

Table developed by DenseBreast-info.org and can be accessed at: https://densebreast-info.org/screening-technologies/for-patients-screening-tests-after-a-mammogram/

Joint Advocacy

Grassroots Advocacy

Contact Governor Hochul Today!

Dear Dr. ,

Earlier this year, the New York State legislature passed a bill (A1696-C/S2465-C) which would require commercial health insurance coverage of supplemental breast cancer screening and diagnostic breast imaging conducted by mammography, breast ultrasound and breast magnetic resonance imaging (MRI) when recommended by a physician. The New York State Radiological Society strongly supports this legislation on behalf of patients across New York State who require medically necessary supplemental breast cancer screening or diagnostic imaging, including patients with dense breast tissue.

This bill has now been sent to Governor Kathy Hochul and she has until October 1st to act on it. We need your help to persuade her to sign this bill into law. Please act now and ask Governor Hochul to sign the bill to help NYers access supplemental breast cancer screening.

To send a letter to your Legislator(s) please click the Send Letter to Legislator(s) button, or if you would like to review and edit the letter please click the Preview/Edit button.

Send an E-mail to Governor Hochul

Thank you,

Donna D'Alessio, MD
Chair, Breast Imaging Committee
New York State Radiological Society

Policy Enactment

- S2465-C, Persaud/ A1696-C, Hunter passed by both houses late in the legislative session
- Governor Hochul signed the bill into law on October 1, 2024, marking the start of Breast Cancer Awareness Month

Implementation & Continued Advocacy

- Law effective date: January 1, 2026
- Interim plans to work with Department of Financial Services regarding implementation and applicability for supplemental screening for patients with dense breasts

Questions
&
Discussion