



SPONSOR: Rep. K. Williams & Rep. Dorsey Walker & Rep. Bush & Sen. Hansen
Reps. Baumbach, Carson, Chukwuocha, Harris, Lambert, Morrison, Wilson-Anton; Sens. Buckson, Gay, Hoffner, Mantzavinos, Pinkney, Sokola, Wilson

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 253

AN ACT TO AMEND TITLES 16, 18, 29, AND 31 OF THE DELAWARE CODE RELATING TO MAMMOGRAMS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter I, Chapter 33, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3370G. Annual mammograms.

(a) As used in this section, "Carrier" means any entity that provides health insurance in this State that is subject to the provisions of this chapter. "Carrier" includes an insurance company, health service corporation, health maintenance organization, managed care organization, and any other entity providing a plan of health insurance or health benefits subject to state insurance regulation. "Carrier" also includes any third-party administrator or other entity that adjusts, administers, or settles claims in connection with health benefit plans.

(b) All carriers shall provide coverage for annual mammograms for the purpose of early detection for a woman 40 years of age or older, with or without referral from the woman's health care provider.

(c) This section does not apply to accident-only, specified disease, hospital indemnity, Medicare supplement, long-term disability income, or other limited benefit health insurance policies.

Section 2. Amend § 3552, Title 18 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 3552. Cancer screening tests.

(c) All group and blanket health insurance policies which are delivered or issued for delivery in this State by any health insurer or health service corporation and which provide benefits for outpatient services shall provide to covered persons residing or having their principal place of employment in this State a benefit for:

(1) Periodic mammographic examinations on the following schedule:

20 a. A base line mammogram for asymptomatic women at least age 35, or as otherwise declared appropriate
21 by the Director of the Division of Public Health or the Director's designee from time to time.

22 b. ~~A mammogram every 1 to 2 years for asymptomatic women age 40 to 50 but no sooner than 2 years~~
23 ~~after a woman's baseline mammogram, or as otherwise declared appropriate by the woman's attending physician~~
24 ~~or the Director of the Division of Public Health or the Director's designee from time to time.~~ An annual
25 mammogram for women age 40 and older, regardless of whether a referral is provided by a woman's healthcare
26 provider.

27 e. ~~A mammogram every year for asymptomatic women age 50 and over, or as otherwise declared~~
28 ~~appropriate by the Director of the Division of Public Health or the Director's designee from time to time.~~

29 Section 3. Amend Chapter 52, Title 29 of the Delaware Code by making deletions as shown by strike through and
30 insertions as shown by underline as follows:

31 § 5218. Mammogram coverage.

32 The plan shall provide coverage for annual mammograms for the purpose of early detection for a woman 40 years
33 of age or older, with or without referral from the woman's health care provider.

34 Section 4. Amend Chapter 5, Title 31 of the Delaware Code by making deletions as shown by strike through and
35 insertions as shown by underline as follows:

36 § 533. Mammogram referrals.

37 (a) "Carrier" means any entity that provides health insurance under § 505(3) of this title.

38 (b) Carriers shall provide coverage for an annual mammogram for the purpose of early detection for a woman 40
39 years of age or older, with or without referral from the woman's health care provider.

40 Section 5. Amend § 3001I, Title 16 of the Delaware Code by making deletions as shown by strike through and
41 insertions as shown by underline as follows:

42 § 3001I. Provision of information relating to mammography reports.

43 (a) On completion of a mammogram, a mammography facility certified by the United States Food and Drug
44 Administration shall provide to each patient a notice containing the results of the mammogram, including information about
45 the patient's breast density based on the Breast Imaging Reporting and Data System established by the American College of
46 Radiology. The form of the notice shall be based on the guidance established by the American College of Radiology. The
47 Delaware Radiological Society shall work with mammogram facilities in this State regarding the content of the notice and
48 shall provide mammogram facilities with any updated language based on guidance from the American College of
49 Radiology. The notice shall include a statement that a report of the results has been sent to the patient's physician, if a

50 physician is identified by the patient or the referral, and the patient should discuss the report, including the findings
51 regarding breast density, with her physician.

52 (b) Notwithstanding any other law, this section does not create a cause of action or create a standard of care,
53 obligation, or duty that provides a basis for a cause of action.

54 (c) The information required by this section or evidence that a person violated this section is not admissible in a
55 civil, judicial or administrative proceeding.

56 (d) This section may not be construed to require a notice regarding breast density to be sent to a patient that is
57 inconsistent with the provisions of the Federal Mammography Quality Standards Act of 1992 [Pub. L. 102-539, 106 Stat.
58 3547], or regulations adopted under the Act.

59 (e) This notice may be sent with the patient's mammogram results or as a separate communication to the patient.

60 (f) A mammography facility certified by the United States Food and Drug Administration must not require that a
61 woman 40 years of age or older provide the facility with the name of a healthcare provider to obtain an annual mammogram
62 for the purpose of early detection.

SYNOPSIS

This Act is a substitute for House Bill 253. Like HB 253, it requires health insurance companies, including State employee/retiree health plans and Medicaid, to cover annual mammograms for the purpose of early detection for a woman 40 years of age or older, with or without referral from the woman's health care provider. It also prohibits mammography facilities from requiring that women, 40 years of age or older, provide the facility with the name of a healthcare provider in order to receive an annual screening mammogram.

This substitute differs from HB 253 by updating Title 18, Section 3552 of the Delaware for consistency with the rest of the bill. Specifically, it requires insurance carriers to provide coverage for annual mammograms for cancer screening beginning at age 40 rather than age 50 and prohibits carriers from requiring a referral for these annual mammograms.