

State Legislative Wrap Up: Breast Imaging Legislation

State legislatures considered several bills during their 2021 legislative sessions mandating coverage for breast cancer screening, digital breast tomosynthesis and requiring written reports for breast density. Four of the bills were enacted, plus both chambers of the Arkansas legislature passed screening mandate legislation and the North Carolina House passed a coverage bill.

Enacted

Kentucky Gov. Andy Beshear signed [Senate Bill \(SB\) 44](#) into law. The law will encourage physicians to recommend digital mammography, including breast tomosynthesis, when writing orders for mammograms. Breast tomosynthesis is defined as “a radiologic procedure that involves the acquisition of projection images over the stationary breast to produce cross-sectional digital three-dimensional images of the breast.” In the event the patient's mammogram demonstrates dense breast tissue, the provider is required to notify the patient via a summary of the written report.

The law takes effect Jan. 1.

Louisiana Gov. John Bel Edwards signed [SB 119](#) into law. The law will expand coverage to include:

- Annual MRI starting at age 25 and annual mammography (digital breast tomosynthesis [DBT] preferred modality) starting at age 30 for women with a hereditary susceptibility from pathogenic mutation carrier status or prior chest wall radiation.
- Annual mammogram (DBT preferred modality) and access to supplemental imaging (MRI preferred modality) starting at age 35 upon recommendation by the physician if the woman has a predicted lifetime risk greater than 20% by any validated model published in peer reviewed medical literature.
- Consideration given to supplemental imaging (breast ultrasound preferred modality, followed by MRI if inconclusive) for women with increased breast density, if recommended by a physician.
- Annual mammography (DBT preferred modality) for any woman who is 40 or older.
- Access to annual supplemental imaging (MRI preferred modality) for women with a prior history of breast cancer below the age of 50 or with a prior history of breast cancer at any age, and dense breast if recommended by a physician.

The law permits the expanded coverage to be subject to the health plan's utilization review using guidelines published in peer reviewed medical literature.

Members of the Louisiana chapter helped craft the bill, which takes effect Jan. 1.

Rhode Island Gov. Dan McKee signed [SB 651](#) into law. The law, which took effect immediately, requires the Rhode Island Department of Health to establish a program of free mammography screening according to American Cancer Society standards and, where required, follow-up diagnostic testing and case management for women who are uninsured or underinsured. The screening program would secure radiology facilities to participate, pay for screening mammograms, provide diagnostic tests as required to diagnose breast cancer and ensure that results are sent directly to the patient in a timely manner by mail, electronically or otherwise.

The Rhode Island chapter supports permitting practices to send screening results to the patient electronically.

Texas Gov. Greg Abbot signed [SB 1065](#) into law. The law mandates carriers that cover screening mammograms also cover diagnostic imaging using mammography, ultrasound imaging or MRI. Diagnostic imaging will be used to evaluate:

- A subjective or objective abnormality in a breast detected by a physician or patient.
- An individual with a personal history of breast cancer or dense breast tissue.

The law takes effect Sept. 1.

The Texas Radiological Society (TRS) testified and actively advocated for this measure. This is the second session in a row that the TRS has worked on this issue with success.

Passed both legislative chambers

In Arkansas, [SB 290](#) passed both legislative chambers and is awaiting the governor's signature. The bill would mandate carriers that cover breast cancer diagnostic exams to extend coverage to breast MRIs.

The Arkansas chapter supports the bill.

Passed the House chamber

In North Carolina, [House Bill 703](#) passed the House of Representatives and is being considered in the Senate. The bill would mandate carriers that cover screening mammograms to also cover diagnostic examinations, including low-dose mammography, breast MRI and breast ultrasound.

The North Carolina chapter supports the bill.