

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 642

H.P. 452

House of Representatives, February 14, 1991

Reference to the Committee on Banking and Insurance suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative RYDELL of Brunswick.

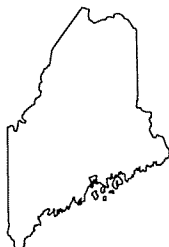
Cosponsored by Senator CLARK of Cumberland, Senator CAHILL of Sagadahoc and Representative MITCHELL of Vassalboro.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

**An Act to Clarify the Laws Relating to Insurance Coverage for
Mammograms.**

(EMERGENCY)



2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 Whereas, the availability and performance of mammograms is
6 critical to providing adequate health care to women; and

8 Whereas, the Legislature recognized the importance of this
procedure to the early detection of breast cancer by enacting
10 Public Law 1989, chapter 875 requiring all insurance policies to
provide coverage for screening mammograms; and

12 Whereas, changes must be made to that law to effectuate the
14 Legislature's intent; and

16 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
18 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
20 safety; now, therefore,

22 **Be it enacted by the People of the State of Maine as follows:**

24 **Sec. 1. 24-A MRSA §2745-A, sub-§§2 and 3,** as enacted by PL
1989, c. 875, Pt. I, §3, are amended to read:

26 **2. Required coverage.** All individual insurance policies
28 that cover radiologic procedures, except those designed to cover
specific diseases, hospital indemnity or accidental injury only
30 policies that cover only dental procedures, must provide coverage
for screening mammograms performed by providers that meet the
32 standards established by the Department of Human Services' rules
relating to radiation protection. The policies must reimburse
34 for screening mammograms performed:

36 A. At least once every 2 years for women between the ages
of 40 and 49; and

38 B. At least once a year for women age 50 and over.

40 **3. Application.** This section applies to all policies,
42 contracts and certificates that cover radiologic procedures,
except those polices that cover only dental procedures, executed,
44 delivered, issued for delivery, continued or renewed in this
State on or after March 1, 1991. For purposes of this section,
46 all policies and contracts are deemed to be renewed no later than
the next yearly anniversary of the policy or contract date.

2 **Sec. 2. 24-A MRSA §2837-A, sub-§§2 and 3,** as enacted by PL
3 1989, c. 875, Pt. I, §6, are amended to read:

4 **2. Required coverage.** All group insurance policies that
5 cover radiologic procedures, except those polices that cover only
6 dental procedures, must provide coverage for screening mammograms
7 performed by providers that meet the standards established by the
8 Department of Human Services relating to radiation protection.
9 The policies must reimburse for screening mammograms performed:

10 A. At least once every 2 years for women between the ages
11 of 40 and 49; and

12 B. At least once a year for women age 50 and over.

13 **3. Application.** This section applies to all policies,
14 contracts and certificates that cover radiologic procedures,
15 except those policies that cover only dental procedures,
16 executed, delivered, issued for delivery, continued or renewed in
17 this State on or after March 1, 1991. For purposes of this
18 section, all policies and contracts are deemed to be renewed no
19 later than the next yearly anniversary of the policy or contract
20 date.

21 **Emergency clause.** In view of the emergency cited in the
22 preamble, this Act takes effect when approved.

23
24
25 **STATEMENT OF FACT**

26 Public Law 1989, chapter 875 requires all insurance policies
27 to provide coverage for screening mammograms. As written, the
28 scope of the law is so broad that it unintentionally applies to
29 types of insurance that are not designed to cover medical
30 procedures such as mammograms. Examples of those types of
31 insurance are disability insurance, nursing home care and
32 long-term care insurance. This bill clarifies that the
33 requirement for coverage of screening mammograms applies only to
34 health insurance policies that cover radiologic procedures.