Reprinted
March 26, 2013

ENGROSSED
SENATE BILL No. 414

DIGEST OF SB 414 (Updated March 25, 2013 4:24 pm - DI 97)

Citations Affected: IC 5-10; IC 25-22.5; IC 27-8; IC 27-13.

Synopsis: Provisions related to high breast density. Requires state employee health plans and certain policies of accident and sickness insurance and health maintenance organization contracts to provide coverage for certain services for women with high breast density. Requires the medical licensing board to adopt rules or protocol establishing an education program and standards for annual screening or diagnostic tests of women with high breast density. Requires certain notice to women with high breast density.

Effective: July 1, 2013.

Miller Patricia, Becker, Leising,
Stoops, Breaux, Wyss
(HOUSE SPONSORS — CROUCH, BROWN C, ZENT, NEGELE, MAYFIELD, AUSTIN)

January 10, 2013, read first time and referred to Committee on Health and Provider Services.
February 14, 2013, amended, reported favorably — Do Pass.
February 18, 2013, read second time, ordered engrossed.
February 19, 2013, engrossed. Read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 12, 2013, read first time and referred to Committee on Insurance.
March 21, 2013, amended, reported — Do Pass.
March 25, 2013, read second time, amended, ordered engrossed.

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First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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ENGROSSED
SENATE BILL No. 414

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-10-8-16 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 16. (a) As used in this section, "covered individual" means an individual who is entitled to coverage under a state employee health plan.**

(b) As used in this section, "high breast density" means a condition in which there is a greater amount of breast and connective tissue in comparison to fat in the breast.

(c) A state employee health plan must provide coverage for an appropriate medical screening, test, or examination for a female covered individual who is at least forty (40) years of age and who has been determined to have high breast density.

SECTION 2. IC 25-22.5-2-7, AS AMENDED BY P.L.225-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) The board shall do the following:

(1) Adopt rules and forms necessary to implement this article that concern, but are not limited to, the following areas:

(A) Qualification by education, residence, citizenship, training, and character for admission to an examination for licensure or by endorsement for licensure.
(B) The examination for licensure.
(C) The license or permit.
(D) Fees for examination, permit, licensure, and registration.
(E) Reinstatement of licenses and permits.
(F) Payment of costs in disciplinary proceedings conducted by the board.

(2) Administer oaths in matters relating to the discharge of its official duties.

(3) Enforce this article and assign to the personnel of the agency duties as may be necessary in the discharge of the board's duty.

(4) Maintain, through the agency, full and complete records of all applicants for licensure or permit and of all licenses and permits issued.

(5) Make available, upon request, the complete schedule of minimum requirements for licensure or permit.

(6) Issue, at the board's discretion, a temporary permit to an applicant for the interim from the date of application until the next regular meeting of the board.

(7) Issue an unlimited license, a limited license, or a temporary medical permit, depending upon the qualifications of the applicant, to any applicant who successfully fulfills all of the requirements of this article.

(8) Adopt rules establishing standards for the competent practice of medicine, osteopathic medicine, or any other form of practice regulated by a limited license or permit issued under this article.

(9) Adopt rules regarding the appropriate prescribing of Schedule III or Schedule IV controlled substances for the purpose of weight reduction or to control obesity.

(10) Adopt rules establishing standards for office based procedures that require moderate sedation, deep sedation, or general anesthesia.

(11) Adopt rules or protocol establishing the following:

(A) An education program to be used to educate women with high breast density.

(B) Standards for providing an annual screening or diagnostic test for a woman who is at least forty (40) years of age and who has been determined to have high breast density.

As used in this subdivision, "high breast density" means a

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condition in which there is a greater amount of breast and connective tissue in comparison to fat in the breast.

(b) The board may adopt rules that establish:

(1) certification requirements for child death pathologists;

(2) an annual training program for child death pathologists under IC 16-35-7-3(b)(2); and

(3) a process to certify a qualified child death pathologist.

SECTION 3. IC 25-22.5-13.2 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 13.2. Notification Concerning Dense Breast Determination

Sec. 1. A facility that performs a mammography examination shall, if the patient is determined by the facility to have an amount of breast and connective tissue in comparison to fat in the breast that would require follow up care or testing, notify the patient of the determination. The notice required under this section must be included with a summary of the written mammography report.

SECTION 4. IC 27-8-13.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 13.5. Coverage for Medical Services for Women with High Breast Density

Sec. 1. This chapter applies to a policy of accident and sickness insurance that is issued, delivered, amended, or renewed after June 30, 2013.

Sec. 2. As used in this chapter, "high breast density" means a condition in which there is a greater amount of breast and connective tissue in comparison to fat in the breast.

Sec. 3. As used in this chapter, "insured" means an individual who is entitled to coverage under a policy of accident and sickness insurance.

Sec. 4. As used in this chapter, "policy of accident and sickness insurance" has the meaning set forth in IC 27-8-5-1. The term does not include the following:

(1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Automobile medical payment insurance.

(4) A specified disease policy.

(5) A short term insurance plan that:

(A) may not be renewed; and

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(B) has a duration of not more than six (6) months.

(6) A policy that provides indemnity benefits not based on any expense incurred requirement, including a plan that provides coverage for:

(A) hospital confinement, critical illness, or intensive care; or

(B) gaps for deductibles or copayments.

(7) Worker's compensation or similar insurance.

(8) A student health plan.

(9) A supplemental plan that always pays in addition to other coverage.

(10) An employer sponsored health benefit plan that is:

(A) provided to individuals who are eligible for Medicare; and

(B) not marketed as, or held out to be, a Medicare supplement policy.

Sec. 5. A policy of accident and sickness insurance must provide coverage for an appropriate medical screening, test, or examination for a female insured who is at least forty (40) years of age and who has been determined to have high breast density.

SECTION 5. IC 27-13-7-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: **Sec. 21. (a) As used in this section, "high breast density" means a condition in which there is a greater amount of breast and connective tissue in comparison to fat in the breast.**

(b) An individual contract or a group contract that provides coverage for basic health care services must provide coverage for an appropriate medical screening, test, or examination for a female enrollee who is at least forty (40) years of age and who has been determined to have high breast density.

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COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 414, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 10, delete "annual" and insert "**appropriate medical screening, test, or**".

Page 2, line 35, delete "standards" and insert "**following:**

(A) An education program to be used to educate women with high breast density.

(B) Standards".

Page 2, line 38, beginning with "As" begin a new line block indented.

Page 3, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 2. IC 25-22.5-13 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 13. Notification Concerning Dense Breast Determination

Sec. 1. A facility that performs a mammography examination shall, if the patient is determined by the facility to have an amount of breast and connective tissue in comparison to fat in the breast that would require follow up care or testing, notify the patient of the determination. The notice required under this section must be included with a summary of the written mammography report.".

Page 3, line 22, delete "annual ultrasound" and insert "**appropriate medical screening, test, or**".

Page 3, line 32, delete "annual ultrasound" and insert "**appropriate medical screening, test, or**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 414 as introduced.)

MILLER PATRICIA, Chairperson

Committee Vote: Yeas 10, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred Senate Bill 414, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 22, delete "Ultrasound Examinations" and insert "**Medical Services**".

Page 3, line 34, after "." insert "**The term does not include the following:**

(1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Automobile medical payment insurance.

(4) A specified disease policy.

(5) A short term insurance plan that:

(A) may not be renewed; and

(B) has a duration of not more than six (6) months.

(6) A policy that provides indemnity benefits not based on any expense incurred requirement, including a plan that provides coverage for:

(A) hospital confinement, critical illness, or intensive care; or

(B) gaps for deductibles or copayments.

(7) Worker's compensation or similar insurance.

(8) A student health plan.

(9) A supplemental plan that always pays in addition to other coverage.

(10) An employer sponsored health benefit plan that is:

(A) provided to individuals who are eligible for Medicare; and

(B) not marketed as, or held out to be, a Medicare supplement policy.".

and when so amended that said bill do pass.

(Reference is to SB 414 as printed February 15, 2013.)

LEHMAN, Chair

Committee Vote: yeas 11, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 414 be amended to read as follows:

Page 3, line 8, delete "IC 25-22.5-13" and insert "IC 25-22.5-13.2".

Page 3, line 11, delete "13." and insert "**13.2.**".

(Reference is to ESB 414 as printed March 22, 2013.)

CROUCH

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