

SENATE AMENDMENTS

2nd Printing

By: Thompson of Harris, Hernandez,
Laubenberg, Collier, Sheffield, et al.

H.B. No. 1036

A BILL TO BE ENTITLED

1 AN ACT

2 relating to coverage for certain breast cancer screening procedures
3 under certain health benefit plans.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The heading to Chapter 1356, Insurance Code, is
6 amended to read as follows:

7 CHAPTER 1356. [~~LOW-DOSE~~] MAMMOGRAPHY

8 SECTION 2. Sections 1356.001 and 1356.002, Insurance Code,
9 are amended to read as follows:

10 Sec. 1356.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

11 (1) "Breast tomosynthesis" means a radiologic
12 mammography procedure that involves the acquisition of projection
13 images over a stationary breast to produce cross-sectional digital
14 three-dimensional images of the breast from which applicable breast
15 cancer screening diagnoses may be determined.

16 (2) "Low-dose [~~low-dose~~ mammography" means:

17 (A) the x-ray examination of the breast using
18 equipment dedicated specifically for mammography, including an
19 x-ray tube, filter, compression device, and screens, [~~films, and~~
20 ~~cassettes,~~ with an average radiation exposure delivery of less
21 than one rad mid-breast and [~~7~~] with two views for each breast;

22 (B) digital mammography; or

23 (C) breast tomosynthesis.

24 Sec. 1356.002. APPLICABILITY OF CHAPTER. (a) This chapter

1 applies ~~[only]~~ to a health benefit plan, including a small employer
2 health benefit plan written under Chapter 1501 or coverage that is
3 provided by a health group cooperative under Subchapter B of that
4 chapter, that provides benefits for medical or surgical expenses
5 incurred as a result of a health condition, accident, or sickness,
6 including ~~[is delivered, issued for delivery, or renewed in this~~
7 ~~state and that is]~~ an individual, ~~[or]~~ group, blanket, or franchise
8 ~~[accident and health]~~ insurance policy or insurance agreement, a
9 group hospital service contract, or an individual or group evidence
10 of coverage or similar coverage document offered by:

- 11 (1) an insurance company;
- 12 (2) a group hospital service corporation operating
13 under Chapter 842;
- 14 (3) a health maintenance organization operating under
15 Chapter 843;
- 16 (4) an approved nonprofit health corporation that
17 holds a certificate of authority under Chapter 844;
- 18 (5) a multiple employer welfare arrangement that holds
19 a certificate of authority under Chapter 846;
- 20 (6) a stipulated premium company operating under
21 Chapter 884;
- 22 (7) a fraternal benefit society operating under
23 Chapter 885;
- 24 (8) a Lloyd's plan operating under Chapter 941; or
- 25 (9) an exchange operating under Chapter 942 ~~[~~
26 ~~including a policy issued by a group hospital service corporation~~
27 ~~operating under Chapter 842]~~.

1 (b) This chapter applies to coverage under a group health
2 benefit plan described by Subsection (a) provided to a resident of
3 this state, regardless of whether the group policy or contract is
4 delivered, issued for delivery, or renewed within or outside this
5 state.

6 (c) This chapter applies to group health coverage made
7 available by a school district in accordance with Section 22.004,
8 Education Code.

9 (d) This chapter applies to a self-funded health benefit
10 plan sponsored by a professional employer organization under
11 Chapter 91, Labor Code.

12 (e) Notwithstanding Section 22.409, Business Organizations
13 Code, or any other law, this chapter applies to a church benefits
14 board established under Chapter 22, Business Organizations Code.

15 (f) Notwithstanding Section 75.104, Health and Safety Code,
16 or any other law, this chapter applies to a regional or local health
17 care program established under Chapter 75, Health and Safety Code.

18 (g) Notwithstanding any provision in Chapter 1551 or any
19 other law, this chapter applies to a basic coverage plan under
20 Chapter 1551.

21 (h) Notwithstanding any other law, a standard health
22 benefit plan provided under Chapter 1507 must provide the coverage
23 required by this chapter.

24 SECTION 3. Chapter 1356, Insurance Code, is amended by
25 adding Section 1356.0021 to read as follows:

26 Sec. 1356.0021. EXCEPTIONS. This chapter does not apply
27 to:

1 (1) the child health plan program operated under
2 Chapter 62, Health and Safety Code;

3 (2) the health benefits plan for children operated
4 under Chapter 63, Health and Safety Code;

5 (3) the state Medicaid program operated under Chapter
6 32, Human Resources Code; and

7 (4) the Medicaid managed care program operated under
8 Chapter 533, Government Code.

9 SECTION 4. Section 1356.005(a), Insurance Code, is amended
10 to read as follows:

11 (a) A health benefit plan that provides coverage to a female
12 who is 35 years of age or older must include coverage for an annual
13 screening by all forms of low-dose mammography for the presence of
14 occult breast cancer.

15 SECTION 5. The changes in law made by this Act apply only to
16 a health benefit plan that is delivered, issued for delivery, or
17 renewed on or after January 1, 2018. A plan delivered, issued for
18 delivery, or renewed before January 1, 2018, is governed by the law
19 as it existed immediately before the effective date of this Act, and
20 that law is continued in effect for that purpose.

21 SECTION 6. This Act takes effect September 1, 2017.

ADOPTED

MAY 23 2017

Leta Spaw
Secretary of the Senate

By: Whitnire

H.B. No. 1036

Substitute the following for H.B. No. 1036:

By: [Signature]

C.S. ___B. No. ___

A BILL TO BE ENTITLED

1 AN ACT

2 relating to coverage for certain breast cancer screening procedures
3 under certain health benefit plans.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The heading to Chapter 1356, Insurance Code, is
6 amended to read as follows:

7 CHAPTER 1356. [~~LOW-DOSE~~] MAMMOGRAPHY

8 SECTION 2. Sections 1356.001 and 1356.002, Insurance Code,
9 are amended to read as follows:

10 Sec. 1356.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

11 (1) "Breast tomosynthesis" means a radiologic
12 mammography procedure that involves the acquisition of projection
13 images over a stationary breast to produce cross-sectional digital
14 three-dimensional images of the breast from which applicable breast
15 cancer screening diagnoses may be determined.

16 (2) "Low-dose [~~low-dose~~] mammography" means:

17 (A) the x-ray examination of the breast using
18 equipment dedicated specifically for mammography, including an
19 x-ray tube, filter, compression device, and screens, [~~films, and~~
20 ~~cassettes,~~] with an average radiation exposure delivery of less
21 than one rad mid-breast and [~~and~~] with two views for each breast; or

22 (B) digital mammography other than breast
23 tomosynthesis.

24 Sec. 1356.002. APPLICABILITY OF CHAPTER. (a) This chapter

1 applies [~~only~~] to a health benefit plan, including a small employer
2 health benefit plan written under Chapter 1501 or coverage that is
3 provided by a health group cooperative under Subchapter B of that
4 chapter, that provides benefits for medical or surgical expenses
5 incurred as a result of a health condition, accident, or sickness,
6 including [is delivered, issued for delivery, or renewed in this
7 ~~state and that is]~~ an individual, [or] group, blanket, or franchise
8 [accident and health] insurance policy or insurance agreement, a
9 group hospital service contract, or an individual or group evidence
10 of coverage or similar coverage document offered by:

11 (1) an insurance company;
12 (2) a group hospital service corporation operating
13 under Chapter 842;
14 (3) a health maintenance organization operating under
15 Chapter 843;
16 (4) an approved nonprofit health corporation that
17 holds a certificate of authority under Chapter 844;
18 (5) a multiple employer welfare arrangement that holds
19 a certificate of authority under Chapter 846;
20 (6) a stipulated premium company operating under
21 Chapter 884;
22 (7) a fraternal benefit society operating under
23 Chapter 885;
24 (8) a Lloyd's plan operating under Chapter 941; or
25 (9) an exchange operating under Chapter 942[
26 ~~including a policy issued by a group hospital service corporation~~
27 ~~operating under Chapter 842].~~

1 (b) This chapter applies to coverage under a group health
2 benefit plan described by Subsection (a) provided to a resident of
3 this state, regardless of whether the group policy or contract is
4 delivered, issued for delivery, or renewed within or outside this
5 state.

6 (c) This chapter applies to group health coverage made
7 available by a school district in accordance with Section
8 22.004(b), Education Code.

9 (d) This chapter applies to a self-funded health benefit
10 plan sponsored by a professional employer organization under
11 Chapter 91, Labor Code.

12 (e) Notwithstanding Section 22.409, Business Organizations
13 Code, or any other law, this chapter applies to a church benefits
14 board established under Chapter 22, Business Organizations Code.

15 (f) Notwithstanding Section 75.104, Health and Safety Code,
16 or any other law, this chapter applies to a regional or local health
17 care program established under Chapter 75, Health and Safety Code.

18 (g) Notwithstanding any provision in Chapter 1551 or any
19 other law, this chapter applies to a basic coverage plan under
20 Chapter 1551.

21 (h) Notwithstanding any other law, a standard health
22 benefit plan provided under Chapter 1507 must provide the coverage
23 required by this chapter.

24 SECTION 3. Chapter 1356, Insurance Code, is amended by
25 adding Sections 1356.0021 and 1356.006 to read as follows:

26 Sec. 1356.0021. EXCEPTIONS. This chapter does not apply
27 to:

- 1 (1) the child health plan program operated under
2 Chapter 62, Health and Safety Code;
3 (2) the health benefits plan for children operated
4 under Chapter 63, Health and Safety Code;
5 (3) the state Medicaid program operated under Chapter
6 32, Human Resources Code; and
7 (4) the Medicaid managed care program operated under
8 Chapter 533, Government Code.

9 Sec. 1356.006. OPTIONAL OFFER OF COVERAGE. A health
10 benefit plan issuer may offer a health benefit plan that provides
11 coverage for breast tomosynthesis.

12 SECTION 4. The changes in law made by this Act apply only to
13 a health benefit plan that is delivered, issued for delivery, or
14 renewed on or after January 1, 2018. A plan delivered, issued for
15 delivery, or renewed before January 1, 2018, is governed by the law
16 as it existed immediately before the effective date of this Act, and
17 that law is continued in effect for that purpose.

18 SECTION 5. This Act takes effect September 1, 2017.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 24, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1036 by Thompson, Senfronia (Relating to coverage for certain breast cancer screening procedures under certain health benefit plans.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Insurance Code relating to coverage for certain breast cancer screening procedures under certain health benefit plans. Based on information provided by the Texas Department of Insurance and Employees Retirement System, this analysis assumes the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect on September 1, 2017; however, the provisions of the bill would only apply to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2018.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 327 Employees Retirement System, 454 Department of Insurance, 710 Texas A&M University System Administrative and General Offices, 323 Teacher Retirement System, 720 The University of Texas System Administration

LBB Staff: UP, SD, CP, CL, AG, EH, KFa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 22, 2017

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1036 by Thompson, Senfronia (Relating to coverage for certain breast cancer screening procedures under certain health benefit plans.), **Committee Report 2nd House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
--

The bill would amend the Insurance Code relating to coverage for certain breast cancer screening procedures under certain health benefit plans. Based on information provided by the Texas Department of Insurance and Employees Retirement System, this analysis assumes the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect on September 1, 2017; however, the provisions of the bill would only apply to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2018.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 327 Employees Retirement System, 454 Department of Insurance, 710 Texas A&M University System Administrative and General Offices, 323 Teacher Retirement System, 720 The University of Texas System Administration

LBB Staff: UP, CP, CL, AG, EH, KFa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 10, 2017

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1036 by Thompson, Senfronia (Relating to coverage for certain breast cancer screening procedures under certain health benefit plans.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
--

The bill would amend the Insurance Code relating to coverage for certain breast cancer screening procedures under certain health benefit plans. Based on information provided by the Texas Department of Insurance, Employees Retirement System, and Teacher Retirement System, this analysis assumes the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect on September 1, 2017; however, the provisions of the bill would only apply to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2018.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 323 Teacher Retirement System, 327 Employees Retirement System, 454 Department of Insurance, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration

LBB Staff: UP, CL, CP, AG, EH, KFa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 13, 2017

TO: Honorable Larry Phillips, Chair, House Committee on Insurance

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1036 by Thompson, Senfronia (Relating to coverage for certain breast cancer screening procedures under certain health benefit plans.), **Committee Report 1st House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
--

The bill would amend the Insurance Code relating to coverage for certain breast cancer screening procedures under certain health benefit plans. Based on information provided by the Texas Department of Insurance, Employees Retirement System, and Teacher Retirement System, this analysis assumes the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect on September 1, 2017; however, the provisions of the bill would only apply to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2018.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 323 Teacher Retirement System, 327 Employees Retirement System, 454 Department of Insurance, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration

LBB Staff: UP, CP, AG, EH, KFa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 31, 2017

TO: Honorable Larry Phillips, Chair, House Committee on Insurance

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1036 by Thompson, Senfronia (Relating to coverage for certain breast cancer screening procedures under certain health benefit plans.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Insurance Code relating to coverage for certain breast cancer screening procedures under certain health benefit plans. Based on information provided by the Texas Department of Insurance, this analysis assumes the duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

The bill would take effect on September 1, 2017; however, the provisions of the bill would only apply to a health benefit plan that is delivered, issued for delivery, or renewed on or after January 1, 2018.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 327 Employees Retirement System, 454 Department of Insurance, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration

LBB Staff: UP, AG, EH, CP, KFa