



STATE OF MAINE
DEPARTMENT OF PROFESSIONAL & FINANCIAL REGULATION
BUREAU OF INSURANCE



Janet T. Mills
Governor

Anne L. Head
DPFR Commissioner

Timothy N. Schott
Acting Superintendent

May 8, 2023

Senator Donna Bailey, Senate Chair
Representative Anne Perry, House Chair
Joint Standing Committee on Health Coverage, Insurance and Financial Services
100 State House Station
Augusta, ME 04333-0100

Re: L.D. 1836, An Act Regarding Insurance Coverage for Diagnostic and Supplemental Breast Examinations

Dear Senator Bailey, Representative Perry, and Members of the Committee:

The Bureau of Insurance takes no position on L.D. 1836. The purpose of this letter is to provide you with background information. This bill would prevent carriers offering health plans in the State from imposing any cost-sharing requirements on medically necessary diagnostic breast examinations or supplemental breast examinations performed by a health care provider. The requirements of this bill apply to health plans issued or renewed on or after January 1, 2024.

Currently, coverage for preventive mammography is already provided by insurers since it is on the USPSTF's recommended list with a "B" rating. According to their website, the USPSTF recommends biennial screening mammography for women aged 50 to 74 years. The USPSTF also recommends screening for women aged 40 to 49 years with a "C" rating. Diagnostic examinations are also covered by insurance but are typically subject to cost-sharing requirements. According to the 2017 Kaiser Women's Health Survey, 16% of women with private insurance reported paying out-of-pocket costs for a mammogram.

Maine law since 1997 (24-A M.R.S. §§ 2745-A, 2837-A, and 4237-A) has required coverage of screening mammograms and now states they are required to be covered each year for individuals age 40 and over. A screening mammogram also includes an additional radiologic procedure recommended by a provider when the results of an initial radiologic procedure are not definitive.

For the Committee's reference, Page 6 of the Bureau's "Report of the Superintendent of Insurance on Mandated Health Insurance Claims" contains information on the number of screening mammograms and diagnostic mammograms covered each year. In 2021, individual and group insurance in Maine covered 65,626 screening mammograms and 17,853 diagnostic mammograms.

This bill would likely result in some premium impact since carriers would be required to waive cost-sharing on diagnostic examinations that are currently subject to cost-sharing.

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The requirement to prohibit insurers from imposing any cost-sharing requirement conflicts with federal laws as it relates to high-deductible health plans. The Committee may want to consider the unintended consequences associated with imposing a requirement that would conflict with or be preempted by federal law.

We don't believe this bill would require defrayal since it is a cost-sharing requirement and would likely represent an expansion of an existing mandated coverage.

If a report is required it could cost the Bureau of Insurance up to \$13,500 for outside contract consulting work plus staff time, estimated at a cost of \$1,600 to collect information, review consultant work, and prepare the final report.

I hope this information is useful to the Committee. Please let me know if I can provide any further assistance.

Sincerely,



Timothy N. Schott
Acting Superintendent