



STATE OF NEW YORK  
EXECUTIVE CHAMBER  
ALBANY 12224

APPROVAL #19  
CHAPTER # 414

November 29, 2017

MEMORANDUM filed with Assembly Bill 5677, entitled:

“AN ACT to amend the insurance law, in relation to health insurance coverage for mammography by breast tomosynthesis”

A P P R O V E D

Breast tomosynthesis, or 3-D mammography, is a lifesaving technology that can facilitate the early detection of breast cancer. Coverage for breast tomosynthesis is required under existing Insurance Law mandates for mammography screening when medically necessary. Earlier this year, the Department of Financial Services issued Supplement No. 1 to Insurance Circular Letter No. 2 (2016) discussing the coverage mandate for breast tomosynthesis, and requesting that insurers use the most up-to-date clinical review criteria when determining whether breast tomosynthesis is medically necessary.

Consistent with the Department’s Circular Letters, this bill would codify the requirement that health insurers cover breast tomosynthesis. Importantly, however, it does not eliminate an insurer’s ability to review breast tomosynthesis for medical necessity. The ability to review for medical necessity is critical, as providing coverage for medically unnecessary care results in increased costs for the State and consumers. This bill strikes a proper balance between a patient’s ability to obtain coverage for breast tomosynthesis and an insurer’s ability to review the use of the screening procedure for medical necessity. On that basis, I am signing this bill.

This bill is approved.

A handwritten signature in black ink, appearing to read "Andrew Cuomo".