

REFERENCE TITLE: cancer screening; coverage; gene mutation

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

## **HB 2783**

Introduced by  
Representatives Schwiebert; Contreras P, Gutierrez, Quiñonez, Terech

### AN ACT

AMENDING TITLE 20, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-841.14; AMENDING TITLE 20, CHAPTER 4, ARTICLE 9, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-1057.20; AMENDING TITLE 20, CHAPTER 6, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-1376.11; AMENDING TITLE 20, CHAPTER 6, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 20-1406.11; AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 32-3230.02; AMENDING TITLE 36, CHAPTER 29, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2907.16; RELATING TO HEALTH CARE COVERAGE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 20, chapter 4, article 3, Arizona Revised  
3 Statutes, is amended by adding section 20-841.14, to read:

4 20-841.14. Genetic testing; genetic counseling; cancer;  
5 coverage; definitions

6 A. A HOSPITAL SERVICE CORPORATION OR MEDICAL SERVICE CORPORATION  
7 THAT ISSUES, DELIVERS OR RENEWS A SUBSCRIPTION CONTRACT IN THIS STATE ON  
8 OR AFTER JANUARY 1, 2024 SHALL PROVIDE COVERAGE FOR SUBSCRIBERS AS  
9 FOLLOWS:

10 1. UNDER CIRCUMSTANCES WHERE INCREASED SCREENING, GENETIC  
11 COUNSELING OR TESTING IS NECESSARY BASED ON NATIONALLY RECOGNIZED CLINICAL  
12 STANDARDS OR WHEN A FAMILY HISTORY OF CANCER IS PRESENT.

13 2. FOR GENETIC COUNSELING, GENETIC TESTING, SINGLE-GENE GERMLINE  
14 MUTATION TESTING OR MULTIGENE GERMLINE MUTATION TESTING BASED ON  
15 NATIONALLY RECOGNIZED CLINICAL STANDARDS, IF THE SUBSCRIBER HAS A PERSONAL  
16 HISTORY OR FAMILY HISTORY OF CANCER OR GENE MUTATION.

17 B. A HOSPITAL SERVICE CORPORATION OR MEDICAL SERVICE CORPORATION  
18 SHALL ENSURE THAT THE BENEFITS REQUIRED BY THIS SECTION ARE MADE AVAILABLE  
19 TO A SUBSCRIBER THROUGH A HEALTH CARE PROVIDER WHO IS A MEMBER OF THE  
20 PROVIDER NETWORK OF THE HOSPITAL SERVICE CORPORATION OR MEDICAL SERVICE  
21 CORPORATION.

22 C. FOR THE PURPOSES OF THIS SECTION:

23 1. "BRCA GENES" MEANS BRCA 1 OR BRCA 2 GENES THAT, WHEN MUTATED,  
24 CAUSE AN INCREASED RISK OF BREAST, OVARIAN, PROSTATE, PANCREATIC AND  
25 MELANOMA CANCERS.

26 2. "GERMLINE MUTATION TESTING" MEANS TESTING FOR INHERITED GENETIC  
27 MUTATIONS, INCLUDING BRCA GENES, THAT ARE ASSOCIATED WITH AN INCREASED  
28 CANCER RISK BASED ON EVIDENCE-BASED, CLINICAL PRACTICE GUIDELINES THAT  
29 ADDRESS GENETIC COUNSELING AND TESTING, SCREENING AND MANAGEMENT OF  
30 INDIVIDUALS WHO HAVE AN INHERITED GENETIC MUTATION ASSOCIATED WITH AN  
31 INCREASED CANCER RISK.

32 3. "HEALTH CARE PROVIDER" MEANS A PERSON WHO IS LICENSED OR  
33 CERTIFIED PURSUANT TO TITLE 32, CHAPTER 13, 15, 17, 25 OR 29.

34 Sec. 2. Title 20, chapter 4, article 9, Arizona Revised Statutes,  
35 is amended by adding section 20-1057.20, to read:

36 20-1057.20. Genetic testing; genetic counseling; cancer;  
37 coverage; definitions

38 A. A HEALTH CARE SERVICES ORGANIZATION THAT ISSUES, DELIVERS OR  
39 RENEWS AN EVIDENCE OF COVERAGE IN THIS STATE ON OR AFTER JANUARY 1, 2024  
40 SHALL PROVIDE COVERAGE FOR ENROLLEES AS FOLLOWS:

41 1. UNDER CIRCUMSTANCES WHERE INCREASED SCREENING, GENETIC  
42 COUNSELING OR TESTING IS NECESSARY BASED ON NATIONALLY RECOGNIZED CLINICAL  
43 STANDARDS OR WHEN A FAMILY HISTORY OF CANCER IS PRESENT.

1           2. FOR GENETIC COUNSELING, GENETIC TESTING, SINGLE-GENE GERMLINE  
2 MUTATION TESTING OR MULTIGENE GERMLINE MUTATION TESTING BASED ON  
3 NATIONALLY RECOGNIZED CLINICAL STANDARDS, IF THE ENROLLEE HAS A PERSONAL  
4 HISTORY OR FAMILY HISTORY OF CANCER OR GENE MUTATION.

5           B. A HEALTH CARE SERVICES ORGANIZATION SHALL ENSURE THAT THE  
6 BENEFITS REQUIRED BY THIS SECTION ARE MADE AVAILABLE TO AN ENROLLEE  
7 THROUGH A HEALTH CARE PROVIDER WHO IS A MEMBER OF THE PROVIDER NETWORK OF  
8 THE HEALTH CARE SERVICES CORPORATION.

9           C. FOR THE PURPOSES OF THIS SECTION:

10           1. "BRCA GENES" MEANS BRCA 1 OR BRCA 2 GENES THAT, WHEN MUTATED,  
11 CAUSE AN INCREASED RISK OF BREAST, OVARIAN, PROSTATE, PANCREATIC AND  
12 MELANOMA CANCERS.

13           2. "GERMLINE MUTATION TESTING" MEANS TESTING FOR INHERITED GENETIC  
14 MUTATIONS, INCLUDING BRCA GENES, THAT ARE ASSOCIATED WITH AN INCREASED  
15 CANCER RISK BASED ON EVIDENCE-BASED, CLINICAL PRACTICE GUIDELINES THAT  
16 ADDRESS GENETIC COUNSELING AND TESTING, SCREENING AND MANAGEMENT OF  
17 INDIVIDUALS WHO HAVE AN INHERITED GENETIC MUTATION ASSOCIATED WITH AN  
18 INCREASED CANCER RISK.

19           3. "HEALTH CARE PROVIDER" MEANS A PERSON WHO IS LICENSED OR  
20 CERTIFIED PURSUANT TO TITLE 32, CHAPTER 13, 15, 17, 25 OR 29.

21           Sec. 3. Title 20, chapter 6, article 4, Arizona Revised Statutes,  
22 is amended by adding section 20-1376.11, to read:

23           20-1376.11. Genetic testing; genetic counseling; cancer;  
24 coverage; definitions

25           A. A DISABILITY INSURER THAT ISSUES, DELIVERS OR RENEWS A  
26 DISABILITY INSURANCE POLICY IN THIS STATE ON OR AFTER JANUARY 1, 2024  
27 SHALL PROVIDE COVERAGE FOR INSUREDS AS FOLLOWS:

28           1. UNDER CIRCUMSTANCES WHERE INCREASED SCREENING, GENETIC  
29 COUNSELING OR TESTING IS NECESSARY BASED ON NATIONALLY RECOGNIZED CLINICAL  
30 STANDARDS OR WHEN A FAMILY HISTORY OF CANCER IS PRESENT.

31           2. FOR GENETIC COUNSELING, GENETIC TESTING, SINGLE-GENE GERMLINE  
32 MUTATION TESTING OR MULTIGENE GERMLINE MUTATION TESTING BASED ON  
33 NATIONALLY RECOGNIZED CLINICAL STANDARDS, IF THE INSURED HAS A PERSONAL  
34 HISTORY OR FAMILY HISTORY OF CANCER OR GENE MUTATION.

35           B. A DISABILITY INSURER SHALL ENSURE THAT THE BENEFITS REQUIRED BY  
36 THIS SECTION ARE MADE AVAILABLE TO AN INSURED THROUGH A HEALTH CARE  
37 PROVIDER WHO IS A MEMBER OF THE PROVIDER NETWORK OF THE DISABILITY  
38 INSURER.

39           C. FOR THE PURPOSES OF THIS SECTION:

40           1. "BRCA GENES" MEANS BRCA 1 OR BRCA 2 GENES THAT, WHEN MUTATED,  
41 CAUSE AN INCREASED RISK OF BREAST, OVARIAN, PROSTATE, PANCREATIC AND  
42 MELANOMA CANCERS.

1           2. "GERMLINE MUTATION TESTING" MEANS TESTING FOR INHERITED GENETIC  
2 MUTATIONS, INCLUDING BRCA GENES, THAT ARE ASSOCIATED WITH AN INCREASED  
3 CANCER RISK BASED ON EVIDENCE-BASED, CLINICAL PRACTICE GUIDELINES THAT  
4 ADDRESS GENETIC COUNSELING AND TESTING, SCREENING AND MANAGEMENT OF  
5 INDIVIDUALS WHO HAVE AN INHERITED GENETIC MUTATION ASSOCIATED WITH AN  
6 INCREASED CANCER RISK.

7           3. "HEALTH CARE PROVIDER" MEANS A PERSON WHO IS LICENSED OR  
8 CERTIFIED PURSUANT TO TITLE 32, CHAPTER 13, 15, 17, 25 OR 29.

9           Sec. 4. Title 20, chapter 6, article 5, Arizona Revised Statutes,  
10 is amended by adding section 20-1406.11, to read:

11           20-1406.11. Genetic testing; genetic counseling; cancer;  
12                           coverage; definitions

13           A. A GROUP DISABILITY INSURER OR BLANKET DISABILITY INSURER THAT  
14 ISSUES, DELIVERS OR RENEWS A GROUP DISABILITY CONTRACT OR BLANKET  
15 DISABILITY CONTRACT IN THIS STATE ON OR AFTER JANUARY 1, 2024 SHALL  
16 PROVIDE COVERAGE FOR INSUREDS AS FOLLOWS:

17           1. UNDER CIRCUMSTANCES WHERE INCREASED SCREENING, GENETIC  
18 COUNSELING OR TESTING IS NECESSARY BASED ON NATIONALLY RECOGNIZED CLINICAL  
19 STANDARDS OR WHEN A FAMILY HISTORY OF CANCER IS PRESENT.

20           2. FOR GENETIC COUNSELING, GENETIC TESTING, SINGLE-GENE GERMLINE  
21 MUTATION TESTING OR MULTIGENE GERMLINE MUTATION TESTING BASED ON  
22 NATIONALLY RECOGNIZED CLINICAL STANDARDS, IF THE INSURED HAS A PERSONAL  
23 HISTORY OR FAMILY HISTORY OF CANCER OR GENE MUTATION.

24           B. A GROUP DISABILITY INSURER OR BLANKET DISABILITY INSURER SHALL  
25 ENSURE THAT THE BENEFITS REQUIRED BY THIS SECTION ARE MADE AVAILABLE TO AN  
26 INSURED THROUGH A HEALTH CARE PROVIDER WHO IS A MEMBER OF THE PROVIDER  
27 NETWORK OF THE GROUP DISABILITY INSURER OR BLANKET DISABILITY INSURER.

28           C. FOR THE PURPOSES OF THIS SECTION:

29           1. "BRCA GENES" MEANS BRCA 1 OR BRCA 2 GENES THAT, WHEN MUTATED,  
30 CAUSE AN INCREASED RISK OF BREAST, OVARIAN, PROSTATE, PANCREATIC AND  
31 MELANOMA CANCERS.

32           2. "GERMLINE MUTATION TESTING" MEANS TESTING FOR INHERITED GENETIC  
33 MUTATIONS, INCLUDING BRCA GENES, THAT ARE ASSOCIATED WITH AN INCREASED  
34 CANCER RISK BASED ON EVIDENCE-BASED, CLINICAL PRACTICE GUIDELINES THAT  
35 ADDRESS GENETIC COUNSELING AND TESTING, SCREENING AND MANAGEMENT OF  
36 INDIVIDUALS WHO HAVE AN INHERITED GENETIC MUTATION ASSOCIATED WITH AN  
37 INCREASED CANCER RISK.

38           3. "HEALTH CARE PROVIDER" MEANS A PERSON WHO IS LICENSED OR  
39 CERTIFIED PURSUANT TO TITLE 32, CHAPTER 13, 15, 17, 25 OR 29.

40           Sec. 5. Title 32, chapter 32, article 1, Arizona Revised Statutes,  
41 is amended by adding section 32-3230.02, to read:

42           32-3230.02. Primary care providers; genetic testing; genetic  
43                           counseling; cancer; definitions

44           A. A PRIMARY CARE PROVIDER SHALL ATTEMPT TO DETERMINE WHETHER EACH  
45 ADULT PATIENT TO WHOM THE PRIMARY CARE PROVIDER PROVIDES CARE HAS EITHER:

1           1. A PERSONAL OR FAMILY HISTORY OF MELANOMA, BREAST, OVARIAN,  
2 TUBAL, PERITONEAL, ENDOMETRIAL, COLORECTAL, PANCREATIC OR PROSTATE CANCER.  
3           2. AN ANCESTRY ASSOCIATED WITH A HARMFUL MUTATION IN THE BRCA GENES  
4 OR MEETS ANY OTHER CRITERIA FOR HEREDITARY CANCER GENETIC TESTING AS  
5 OUTLINED IN GUIDELINES PRESCRIBED BY THE NATIONAL COMPREHENSIVE CANCER  
6 NETWORK OR A SIMILAR MEDICAL PROFESSIONAL ORGANIZATION.  
7           B. IF THE PRIMARY CARE PROVIDER DETERMINES THAT AN ADULT PATIENT TO  
8 WHOM THE PRIMARY CARE PROVIDER PROVIDES CARE MEETS THE CRITERIA PRESCRIBED  
9 IN SUBSECTION A, PARAGRAPH 1 OF THIS SECTION, THE PATIENT SHALL BE  
10 PROVIDED OR REFERRED FOR GENETIC COUNSELING OR GERMLINE MUTATION TESTING,  
11 OR BOTH, AS APPLICABLE, BASED ON NATIONALLY RECOGNIZED CLINICAL STANDARDS.  
12           C. IF THE PRIMARY CARE PROVIDER DETERMINES THAT AN ADULT PATIENT TO  
13 WHOM THE PRIMARY CARE PROVIDER PROVIDES CARE MEETS THE CRITERIA PRESCRIBED  
14 IN SUBSECTION A, PARAGRAPH 1 OF THIS SECTION AND THE PATIENT HAS NOT  
15 PREVIOUSLY TESTED POSITIVE FOR A MUTATION IN THE BRCA GENES OR OTHER GENES  
16 ASSOCIATED WITH AN INCREASED CANCER RISK, THE PRIMARY CARE PROVIDER SHALL  
17 USE AN APPROPRIATE FAMILIAL RISK ASSESSMENT TOOL TO SCREEN FOR THE RISK OF  
18 SUCH A MUTATION. IF THIS SCREENING INDICATES THAT THE PATIENT IS AT RISK  
19 OF A HARMFUL MUTATION IN THE BRCA GENES OR OTHER GENES ASSOCIATED WITH AN  
20 INCREASED CANCER RISK, THE PRIMARY CARE PROVIDER SHALL DO ALL OF THE  
21 FOLLOWING:  
22           1. PROVIDE THE PATIENT WITH WRITTEN NOTICE OF THE NEED TO DISCUSS  
23 GENETIC COUNSELING AND TESTING WITH THE PRIMARY CARE PROVIDER.  
24           2. PROVIDE GENETIC COUNSELING TO THE PATIENT OR REFER THE PATIENT  
25 FOR GENETIC COUNSELING.  
26           3. IF A GENETIC TEST FOR HARMFUL MUTATIONS IN THE BRCA GENES OR  
27 OTHER GENES ASSOCIATED WITH AN INCREASED CANCER RISK IS CLINICALLY  
28 INDICATED AS A RESULT OF THE GENETIC COUNSELING, ADMINISTER A GENETIC TEST  
29 TO THE PATIENT OR REFER THE PATIENT FOR GENETIC TESTING.  
30           D. A PRIMARY CARE PROVIDER WHO FAILS TO COMPLY WITH THIS SECTION IS  
31 NOT SUBJECT TO CRIMINAL PENALTIES OR PROFESSIONAL DISCIPLINE FOR THE  
32 NONCOMPLIANCE.  
33           E. FOR THE PURPOSES OF THIS SECTION:  
34           1. "BRCA GENES" MEANS BRCA 1 OR BRCA 2 GENES THAT, WHEN MUTATED,  
35 CAUSE AN INCREASED RISK OF BREAST, OVARIAN, PROSTATE, PANCREATIC AND  
36 MELANOMA CANCERS.  
37           2. "GERMLINE MUTATION TESTING" MEANS TESTING FOR INHERITED GENETIC  
38 MUTATIONS, INCLUDING BRCA GENES, THAT ARE ASSOCIATED WITH AN INCREASED  
39 CANCER RISK BASED ON EVIDENCE-BASED, CLINICAL PRACTICE GUIDELINES THAT  
40 ADDRESS GENETIC COUNSELING AND TESTING, SCREENING AND MANAGEMENT OF  
41 INDIVIDUALS WHO HAVE AN INHERITED GENETIC MUTATION ASSOCIATED WITH AN  
42 INCREASED CANCER RISK.

1           3. "HEALTH CARE PROVIDER" MEANS A PERSON WHO IS LICENSED OR  
2 CERTIFIED PURSUANT TO TITLE 32, CHAPTER 13, 15, 17, 25 OR 29.

3           Sec. 6. Title 36, chapter 29, article 1, Arizona Revised Statutes,  
4 is amended by adding section 36-2907.16, to read:

5           36-2907.16. Genetic testing; genetic counseling; cancer

6           THE ADMINISTRATION AND ITS CONTRACTORS, TO THE EXTENT AUTHORIZED BY  
7 FEDERAL LAW, SHALL PROVIDE SCREENING, GENETIC COUNSELING, GENETIC TESTING  
8 AND GERMLINE MUTATION TESTING FOR HARMFUL INHERITED GENETIC MUTATIONS IN  
9 THE BRCA GENES OR OTHER GENES THAT CAUSE AN INCREASED CANCER RISK FOR  
10 MEMBERS WHEN INDICATED PURSUANT TO SECTION 32-3230.02.