



NEW YORK STATE SENATOR

John J. Flanagan

Senator Flanagan Joins Governor Cuomo And Advocates For Signing Of Important Breast Cancer Legislation

JOHN J. FLANAGAN June 28, 2016

| ISSUE: **BREAST CANCER**



As part of the "Get Screened, No Excuses" campaign, Senate Majority Leader John Flanagan (2nd Senate District) joined Governor Andrew M. Cuomo yesterday as he signed legislation to increase access to breast cancer screenings and build on the series of breast cancer initiatives outlined in the 2016 State of the State address. Governor Cuomo signed the legislation, which Senator Flanagan sponsored in the Senate, at Citi Field during New York State's first-ever breast cancer motorcycle ride.

The comprehensive legislative package is the nation's most aggressive breast cancer screening action plan, ensuring that woman across the state have access to the health care and services they need and deserve. The new law will require extended hours for screening at 210 hospital-based mammography facilities across the state and eliminate insurance hurdles for mammograms and other screening and diagnostic imaging procedures to detect breast cancer.

As part of a \$91 million plan announced in January, Governor Cuomo also launched a series of new initiatives to combat breast cancer and raise awareness about the importance of getting screened. The new initiatives include mobile mammography vans, patient navigators, a public awareness campaign, community-based peer education programs, and investments through the state-backed venture capital fund to support promising cancer-related technologies. The Governor also announced the launch of a new “Text Line” to help women find mammogram locations. New Yorkers can text “Get Screened” to 81336 and after submitting their zip code; they will receive information about screening locations with extended hours near their home.

“Breast cancer affects women of all walks of life, and in New York, we have put forward the most aggressive plan in the nation to increase awareness about this disease and expand access to live-saving resources and services,” Governor Cuomo said. “Sandy fortunately caught this disease early and with today’s legislation, we are taking action to ensure that every woman, regardless of her schedule or financial situation, has access to the best cancer treatment possible – early detection. This legislation is an example of our unrelenting commitment to protecting our mothers, sisters and daughters in the fight against this disease and I thank my partners in the Legislature for passing this bill. By hitting the road today, we are helping all of those who face a road ahead in their fight against preventing and

curing this disease and we will continue to our efforts to build a stronger and healthier New York.”

Sandra Lee said: "As I rode with Andrew in the moments before he signed the No Excuses Bill, I felt grateful for receiving what was the worst news of my life at the time – a breast cancer diagnosis. I was so blessed to get tested at an early stage. Now, all women in New York State have that same opportunity. This bill brings extra hours added for women to get screened early in the morning and later in the evening -- before and after regular working hours -- and testing will be free, with no co-pay. Every woman in our nation should have this hope for health. I urge governors in ALL states to take the action that Andrew did and make it happen for the women in all states -- that's my prayer today."

"I am pleased that the Governor signed a new law that reaffirms the state's commitment to giving women the tools they need in the fight against breast cancer. This comprehensive law will provide increased education, remove barriers to screening, eliminate co-pays and deductibles, expand insurance coverage and increase access for all New York women. We all recognize that early detection continues to be the best way to survive breast cancer and go on to lead a long and healthy life," stated Senate Majority Leader Flanagan. "That's why it's critical that we do everything possible to encourage New Yorkers and their families to get the screenings they need and deserve. I thank the Governor for shining a light on this issue and our colleagues on both side of the aisle for their dedication to these lifesaving initiatives."

Senate Independent Democratic Conference Leader Jeffrey Klein said: "Breast cancer screenings will save lives. This law eliminates the hurdles that women in our lives face to accessing the health care they need. Our moms, sisters, friends should never have to put burdensome co-pays over early detection. I thank Governor Cuomo for making this a

priority and signing this important legislation into law today.”

“GET SCREENED, NO EXCUSES” CAMPAIGN

Screening for breast cancer can increase the detection of the disease at an early stage, when treatment is most effective. With this new law, New York State is removing the barriers that often prevent women from getting screened. As part of the Governor's "Get Screened, No Excuses" campaign, the new law will:

- Require 210 hospitals and hospital extension clinics to offer extended hours of screening for at least four hours per week to help women who have difficulty scheduling mammograms during the typical 9 a.m. to 5 p.m. workday. These hours include 7 a.m. to 9 a.m. and 5 p.m. to 7 p.m. Monday through Friday, and 9 a.m. to 5 p.m. Saturday or Sunday;
- Eliminate annual deductibles, co-payments, and co-insurance payments (“cost-sharing”) for all screening mammograms, including those provided to women more frequently than current federal screening guidelines such as annual mammograms for women in their forties;
- Eliminate cost-sharing for diagnostic imaging for breast cancer, including diagnostic mammograms, breast ultrasounds, and breast MRIs for women at high risk for breast cancer. As a result, women in need of tests other than standard mammograms will not have to pay any additional out-of-pocket expenses for these most common diagnostic tests;
- Add public employees of cities with a population of one million or more, to the population of public employees in New York State who are currently allowed four hours of leave for screening for breast cancer each year. Current state law requires all public employers to provide their employees with four hours of leave each year for breast cancer screening.

Now public employees in New York City will receive the same benefit as all other public employees statewide.

To build on the new legislative agreement, the "Get Screened, No Excuses" campaign includes a series of initiatives the Governor outlined earlier this year to promote awareness about the benefits of early detection and enhance access to these life-saving screenings. The \$91 million campaign includes:

- 10 mobile mammography vans that will be dispatched to every region across the state, so mammograms can be provided in communities;
- Patient navigators, who will be available in every region to help women secure access to screenings and obtain the necessary treatment in the event they do have breast cancer;
- A public awareness campaign focused on low-income, underserved communities to promote awareness of the importance of mammograms;
- Community-based peer education programs that will enlist trusted and trained educators to discuss the importance of mammograms and early detection of breast cancer with women;
- \$5 million from the New York State Innovation Venture Capital Fund to support promising cancer-related technologies that help increase breast cancer screening and improve the diagnosis or treatment of breast cancer.
- Breast cancer affects women of all walks of life...with today's legislation, we are taking action to ensure that every woman, regardless of her schedule or financial situation, has access to the best cancer treatment possible – early detection.

The NYS Department Financial Services will issue a circular letter to set forth insurers' legal obligations to cover breast cancer screening and treatment. The circular letter reminds insurers that cost sharing for mammography screenings, diagnostic imaging, genetic screening and medication is prohibited. The letter also provides guidance on the Department's view that insurers must cover certain medically necessary treatments, such as prophylactic mastectomies and reconstruction surgery and prostheses when the BRCA 1 or 2 gene is discovered or for those who have a strong family history of breast cancer. This will help prevent insurance companies from charging women additional out-of-pocket expenses for common screenings and diagnostic tests, and ensure that women are covered for all medically necessary services.

The Governor signed the legislation and made these announcements during New York's first-ever breast cancer motorcycle ride. As part of the ride, Harley Davidson is donating a custom motorcycle that will be used by Governor Cuomo throughout the ride and then auctioned off by the Breast Cancer Research Foundation to raise money to prevent and cure the disease.

"We applaud Gov. Cuomo's groundbreaking efforts to eliminate barriers to breast cancer screening and are humbled to be part of this campaign," said Tonit Calaway, President of The Harley-Davidson Foundation and Vice President of Human Resources for Harley-Davidson Motor Company. "Let's hope New York's legislation starts a nationwide movement to raise awareness and save more women's lives."

"By expanding hours at hospitals and clinics and removing the obstacle of co-pays, this bill will help ensure women in all our communities, across the state, have better access to the potentially lifesaving services that detect breast cancer at an early stage when treatment is most effective," said Assemblymember Didi Barrett.

New York State employees currently receive four hours of annual leave for breast cancer screening. The State is asking all private sector employers to grant the same type of benefit to their employees and provide four hours annual leave for breast cancer screening. Thirty-five companies are actively engaged in the state's effort to offer four hours annual leave to employees for breast cancer screening. Any employers wishing to join the State in this effort should submit their contact information [here](#).

For more information on breast cancer screenings and support, call the New York State breast cancer hotline at 1-866-442-CANCER (2262). The line is open 24 hours a day, seven days a week, and can assist non-English speaking callers.

RELATED LEGISLATION

2015-S8093

- Introduced

- ◦ In Committee Assembly
 - In Committee Senate

- ◦ On Floor Calendar Assembly
 - On Floor Calendar Senate

- ◦ Passed Assembly

- Passed Senate

- Delivered to Governor

- Signed By Governor

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Relates to coverage for the detection of breast cancer, requiring certified mammography facilities to provide extended hours and excused leave to undertake a breast cancer screening

June 12, 2016

Signed by Governor

Sponsored by **John J. Flanagan**

Do you support this bill?