

S.157

Introduced by Senator Benning

Referred to Committee on Health and Welfare

Date: January 5, 2016

Subject: Health; mammography; breast density

Statement of purpose of bill as introduced: This bill proposes to require health care facilities that perform mammograms to inform patients of their breast tissue classification and to notify patients with dense breasts that they may benefit from additional screening.

An act relating to breast density notification and education

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 18 V.S.A. § 158 is added to read:~~

~~§ 158. DENSE BREAST NOTIFICATION AND EDUCATION~~

~~(a) All health care facilities that perform mammography examinations shall include in the summary of the mammography report to be provided to a patient information that identifies the patient's individual breast tissue classification based on the Breast Imaging Reporting and Data System established by the American College of Radiology. If a facility determines that a patient has heterogeneously dense or extremely dense breasts, the summary of the mammography report shall also include the following notice.~~

1 ~~“Your mammogram indicates that you have dense breast tissue. Dense~~
2 ~~breast tissue is fairly common and is found in about 40 percent of women. The~~
3 ~~presence of dense tissue can make it more difficult to detect cancers in the~~
4 ~~breast by mammography because it can hide small abnormalities and may be~~
5 ~~associated with an increased risk. Hence, you may benefit from supplementary~~
6 ~~screening tests, which may include a breast ultrasound screening or a breast~~
7 ~~MRI examination, or both, depending on your individual risk factors.~~

8 We are providing this information to raise your awareness of this
9 important factor and to encourage you to discuss your dense breast tissue, as
10 well as other breast cancer risk factors, with your health care provider.
11 Together, you can decide which screening options are right for you.

12 A report of your results was sent to your physician. You should contact
13 your physician if you have any questions or concerns about this report.”

14 (b) Nothing in this section shall be construed to create a duty of care or
15 other legal obligation beyond the duty to provide notice as set forth in this
16 section.

17 Sec. 2. EFFECTIVE DATE

18 ~~This act shall take effect on July 1, 2016.~~

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established by the American College of Radiology. If a facility determines that a patient has heterogeneously dense or extremely dense breasts, the summary of the mammography report shall also include a notice substantially similar to the following:

“Your mammogram indicates that you have dense breast tissue. Dense breast tissue is a normal finding that is present in about 40 percent of women. Dense breast tissue can make it more difficult to detect cancer on a mammogram and may be associated with a slightly increased risk for breast cancer. This information is provided to raise your awareness of the impact of breast density on cancer detection and to encourage you to discuss this issue, as well as other breast cancer risk factors, with your health care provider as you decide together which screening options may be right for you.”

(b) Facilities that perform mammography examinations may update the language in their notices over time to reflect advances in science and technology, as long as they continue to notify patients about the frequency of dense breast tissue and its effect on the accuracy of mammograms and encourage patients to discuss the issue with their health care provider. Facilities shall notify the Department of Health each time they make changes to the notice required by this section and shall provide an updated copy for the Department’s information and review.

(c) Nothing in this section shall be construed to create a duty of care or other legal obligation beyond the duty to provide notice as set forth in this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2016 and shall apply to exams performed on or after January 15, 2017.