

Dense Breast Legislation in the United States: State of the States

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Abstract

Limitations of screening mammography in patients with dense breasts combined with the significant increased risk for breast cancer have made the issue of dense breasts a matter of great concern in recent years, leading to advocacy for policy change and legislation. Dense breast notification legislation requires direct patient notification of mammographic results indicating the presence of dense breast tissue. The aim of this study was to summarize the state of dense breast notification legislation across the country. The general intent of dense breast notification legislation is to increase awareness of dense breasts and encourage patients to discuss the clinical issues with their physicians. It was first enacted in Connecticut in 2009, and since then, 27 other states have passed, rejected, or considered dense breast notification legislation. At the federal level, a bill was introduced in October 2011, but it was not enacted. There are significant differences in the language of the laws from state to state that complicate implementation. Furthermore, legislated recommendations for possible additional testing are often unaccompanied by legal provisions for insurance coverage, which potentially results in unequal access.

Key Words: Dense breast, legislation, mammography, screening, patient communication

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INTRODUCTION

Breast tissue density is a mammographic measure of the amount of glandular tissue relative to fatty tissue in the breast. The association of qualitative classification of mammographic density and risk for breast cancer was first described in 1976 by Wolfe [1]. Since then, several studies have shown that high breast tissue density ($\geq 75\%$) is a strong independent risk factor for the development of breast cancer [2-4], which roughly corresponds to ACR BI-RADS[®] density classification type 4. Extensive breast density may also make it more difficult to detect breast cancer or other abnormalities on mammography [3]. The limitation of screening mammography in patients with dense breasts in combination with the substantial increased risk for breast cancer has made the issue of dense breasts a

matter of great concern, leading to advocacy for policy change and legislation. We sought to summarize the state of dense breast notification legislation, a rapidly changing landscape, across the country. The following information is accurate as of the date of manuscript drafting (October 22, 2013).

LEGISLATION INTENT AND STATUS

In general, dense breast notification legislation provides patients with direct notification of mammographic results indicating the presence of dense breast tissue. The intent of the legislation is to increase awareness of dense breasts and encourage patients to discuss the clinical issues with their physicians.

The legislation generally requires informing patients of the following: (1) that they have dense breast tissue, (2) the association of dense breasts with increased risk for breast cancer, (3) limitations of mammography in detecting cancer in women with dense breasts, and (4) the need for possible additional testing. In the majority of states, legislation also provides that a report of a patient's mammogram be sent to the referring physician and become part of the patient's medical record. However, there are significant differences in the language of the laws

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Table 1. Status of dense breast notification legislation by state

State	Bill Number	Bill Status	Mode of Notification or Notification Responsibility	Communication Content Specified	Potential Need for Additional Testing Specified	Insurance Coverage of Additional Testing Specified
Alabama	SB 22	Enacted (May 2013)	Physician	Yes	Yes	No
Alaska	—	—	—	—	—	—
Arizona	—	—	—	—	—	—
Arkansas	—	—	—	—	—	—
California	SB 1538	Enacted (September 2012)	Facility*	Yes	Yes	No
Colorado	—	—	—	—	—	—
Connecticut	SB 458	Enacted (May 2009)	Report [†]	Yes	Yes	Yes
Delaware	—	—	—	—	—	—
Florida	SB 126	Died (May 2013)	—	—	—	—
Georgia	HB 611	Pending	Facility	Yes	Yes	No
Hawaii	HB 373	Enacted (April 2013)	Facility	Yes	Yes	No
Idaho	—	—	—	—	—	—
Illinois	SB 2314	Enacted (August 2013)	Provider [‡]	Yes	Yes	Yes [§]
Indiana	SB 414	Enacted (April 2013)	Facility	No	No	Yes
Iowa	HF 94	Pending	Facility	Yes	No	No
Kansas	SB 407	Died (June 2012)	—	—	—	—
Kentucky	—	—	—	—	—	—
Louisiana	—	—	—	—	—	—
Maine	LD 1886	Unsigned law	Report	Yes	Yes	No
Maryland	SB 334	Enacted (May 2013)	Facility	Yes	Yes	No
Massachusetts	H 1050	Pending	Provider	Yes	Yes	No
Michigan	HB 4260	Pending	Report	Yes	Yes	No
Minnesota	—	—	—	—	—	—
Mississippi	—	—	—	—	—	—
Missouri	—	—	—	—	—	—
Montana	—	—	—	—	—	—
Nebraska	LB 876	Pending	Report	Yes	Yes	No
Nevada	AB 147	Enacted (June 2013)	"The owner, lessee or other person responsible for the radiation machine for mammography"	Yes	Yes	No
New Hampshire	HB 1599	Inexpedient to legislate (March 2012)	—	—	—	—
New jersey	S 792	Pending	Report	Yes	Yes	Yes
New Mexico	—	—	—	—	—	—
New York	A 09586D	Enacted (July 2012)	Provider	Yes	Yes	No

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