

SENATE BILL 334

J3, J1

3lr1610
CF HB 312

By: Senators Jones–Rodwell, Benson, Brinkley, Conway, Currie, Ferguson, Forehand, Frosh, Garagiola, Jacobs, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Madaleno, Manno, Mathias, McFadden, Middleton, Montgomery, Muse, Peters, Pinsky, Pugh, Raskin, Reilly, Robey, Rosapepe, Stone, ~~and Zirkin~~ Zirkin, Astle, Glassman, Pipkin, and Ramirez

Introduced and read first time: January 23, 2013

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 14, 2013

CHAPTER _____

1 AN ACT concerning

2 **Mammograms – Dense Breast Tissue – Notification**

3 FOR the purpose of requiring, subject to a certain provision of law, certain centers
4 that produce, develop, or interpret mammograms to provide a certain notice to
5 certain patients under certain circumstances; authorizing the Department of
6 Health and Mental Hygiene, under certain circumstances, to adopt certain
7 regulations to change the content of a certain notice; prohibiting a cause of
8 action from arising from a failure to provide a certain notice; providing for the
9 application and construction of this Act; altering a certain definition; defining a
10 certain term; and generally relating to mammograms, dense breast tissue, and
11 notification.

12 BY repealing and reenacting, with amendments,
13 Article – Health – General
14 Section 20–115
15 Annotated Code of Maryland
16 (2009 Replacement Volume and 2012 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – Health – General**

2 20–115.

3 (a) (1) In this section the following words have the meanings indicated.

4 (2) (i) “Center” means any facility that produces, develops, or
5 interprets:6 1. Screening **MAMMOGRAMS; OR**

7 2. Diagnostic mammograms[; or

8 3. Both].

9 (ii) “Center” includes a hospital, outpatient department, medical
10 laboratory, clinic, radiology practice, office of a health care provider, or other testing
11 facility conducting mammography testing.12 (iii) “Center” does not include a facility of the federal
13 Department of Veterans Affairs.14 **(3) “DENSE BREAST TISSUE” MEANS HETEROGENEOUSLY DENSE**
15 **OR EXTREMELY DENSE TISSUE AS DEFINED IN NATIONALLY RECOGNIZED**
16 **GUIDELINES OR SYSTEMS FOR BREAST IMAGING REPORTING OF MAMMOGRAPHY**
17 **SCREENING, INCLUDING THE BREAST IMAGING REPORTING AND DATA SYSTEM**
18 **OF THE AMERICAN COLLEGE OF RADIOLOGY.**19 **[(3)] (4)** “Mammogram” means a radiographic image produced
20 through mammography.21 **[(4)] (5)** “Mammography testing” means the imaging of the breast
22 with ionizing radiation.23 (b) On or after July 1, 1992, a person may not perform mammography
24 testing unless:25 (1) The individual performing mammography testing is qualified
26 under Title 14 of the Health Occupations Article; and

27 (2) The center where the mammography testing is performed:

28 (i) Is accredited or has applied for accreditation under the
29 American College of Radiology Screening Mammography Accreditation Program; and

1 (ii) Has obtained a certificate of approval from the federal Food
2 and Drug Administration as specified in the federal Mammography Quality Standards
3 Act of 1992.

4 (c) (1) (i) THIS SECTION DOES NOT APPLY IF THE FEDERAL
5 MAMMOGRAPHY QUALITY STANDARDS ACT OF 1992, OR REGULATIONS
6 ADOPTED UNDER THE ACT, REQUIRES A NOTICE REGARDING BREAST DENSITY
7 TO BE INCLUDED IN THE SCREENING RESULTS LETTER THAT IS SENT TO A
8 PATIENT.

9 (ii) THIS SECTION MAY NOT BE CONSTRUED TO:

10 1. REQUIRE A NOTICE REGARDING BREAST DENSITY
11 TO BE SENT TO A PATIENT THAT IS INCONSISTENT WITH THE PROVISIONS OF
12 THE FEDERAL MAMMOGRAPHY QUALITY STANDARDS ACT OF 1992, OR
13 REGULATIONS ADOPTED UNDER THE ACT; OR

14 2. CREATE A STANDARD OF CARE, OBLIGATION, OR
15 DUTY THAT PROVIDES A BASIS FOR A CAUSE OF ACTION BEYOND THE DUTY TO
16 PROVIDE A NOTICE AS REQUIRED BY PARAGRAPH (2) OF THIS SUBSECTION.

17 (2) ~~IF A MAMMOGRAM OF A PATIENT DEMONSTRATES DENSE~~
18 ~~BREAST TISSUE, THE CENTER WHERE THE~~ SUBJECT TO PARAGRAPH (3) OF THIS
19 SUBSECTION, A CENTER WHERE MAMMOGRAPHY TESTING WAS IS PERFORMED
20 SHALL ~~PROVIDE WRITTEN NOTIFICATION~~ INCLUDE IN A SCREENING RESULTS
21 LETTER THAT IS SENT TO THE A PATIENT ~~THAT INCLUDES~~, AS REQUIRED BY
22 FEDERAL LAW, THE FOLLOWING ~~STATEMENT~~ NOTICE: “~~YOUR MAMMOGRAM~~
23 ~~SHOWS THAT YOUR BREAST TISSUE IS DENSE. DENSE~~ THIS NOTICE CONTAINS
24 THE RESULTS OF YOUR RECENT MAMMOGRAM, INCLUDING INFORMATION
25 ABOUT BREAST DENSITY.

26 IF YOUR MAMMOGRAM SHOWS THAT YOUR BREAST TISSUE IS DENSE, YOU
27 SHOULD KNOW THAT DENSE BREAST TISSUE IS ~~VERY~~ A COMMON FINDING AND
28 IS NOT ABNORMAL, WITH ABOUT HALF OF WOMEN HAVING DENSE OR HIGHLY
29 DENSE BREASTS. HOWEVER, DENSE BREAST TISSUE CAN MAKE IT HARDER TO
30 FIND CANCER ON A MAMMOGRAM AND MAY ALSO BE ASSOCIATED WITH AN
31 INCREASED RISK OF ~~BREAST~~ CANCER.

32 THIS INFORMATION ABOUT THE RESULT OF YOUR MAMMOGRAM IS GIVEN
33 TO YOU TO RAISE YOUR AWARENESS AND TO INFORM YOUR CONVERSATIONS
34 WITH YOUR PHYSICIAN. ~~USE THIS INFORMATION TO TALK TO YOUR DOCTOR~~
35 ~~ABOUT YOUR OWN RISKS FOR BREAST CANCER. AT THAT TIME, ASK YOUR~~
36 ~~DOCTOR IF MORE SCREENING TESTS MIGHT BE USEFUL, BASED ON YOUR RISK~~
37 TOGETHER, YOU CAN DECIDE WHICH SCREENING OPTIONS ARE RIGHT FOR YOU

1 BASED ON YOUR MAMMOGRAM RESULTS, INDIVIDUAL RISK FACTORS, OR
 2 PHYSICAL EXAMINATION. A REPORT OF YOUR RESULTS WAS SENT TO YOUR
 3 ~~DOCTOR~~ PHYSICIAN.”.

4 (3) IF THE DEPARTMENT FINDS SIGNIFICANT DIFFERENCES
 5 BETWEEN THE CONTENT OF THE NOTICE THAT IS REQUIRED TO BE PROVIDED
 6 UNDER PARAGRAPH (2) OF THIS SUBSECTION AND CURRENT MEDICAL
 7 EVIDENCE ON BREAST DENSITY, THE DEPARTMENT MAY ADOPT REGULATIONS
 8 THAT CHANGE THE CONTENT OF THE NOTICE.

9 (4) A CAUSE OF ACTION MAY NOT ARISE FROM A FAILURE TO
 10 PROVIDE THE NOTICE THAT IS REQUIRED TO BE PROVIDED UNDER PARAGRAPH
 11 (2) OF THIS SUBSECTION.

12 [(c)] (D) Notwithstanding any other provision of this title, the penalty for a
 13 violation of SUBSECTION (B) OF this section may not exceed \$1,000.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 15 October 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.