

BY: Finance Committee

AMENDMENTS TO SENATE BILL 334
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Zirkin” and substitute “Zirkin, Astle, Glassman, Pipken, and Ramirez”; in line 3, after “requiring” insert “, subject to a certain provision of law,”; and in line 5, after “circumstances;” insert “authorizing the Department of Health and Mental Hygiene, under certain circumstances, to adopt certain regulations to change the content of a certain notice; prohibiting a cause of action from arising from a failure to provide a certain notice; providing for the application and construction of this Act;”.

AMENDMENT NO. 2

On page 2, in line 27, after “(C)” insert “**(1) (I) THIS SECTION DOES NOT APPLY IF THE FEDERAL MAMMOGRAPHY QUALITY STANDARDS ACT OF 1992, OR REGULATIONS ADOPTED UNDER THE ACT, REQUIRES A NOTICE REGARDING BREAST DENSITY TO BE INCLUDED IN THE SCREENING RESULTS LETTER THAT IS SENT TO A PATIENT.**”

(II) THIS SECTION MAY NOT BE CONSTRUED TO:

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

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

(Over)

(2);

strike beginning with “**IF**” in line 27 down through the second “**THE**” in line 28 and substitute “**SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, A CENTER WHERE**”; in line 28, strike “**WAS**” and substitute “**IS**”; in line 29, strike “**PROVIDE WRITTEN NOTIFICATION**” and substitute “**INCLUDE IN A SCREENING RESULTS LETTER THAT IS SENT**”; in the same line, strike the first “**THE**” and substitute “**A**”; in the same line, strike “**THAT INCLUDES**” and substitute “**, AS REQUIRED BY FEDERAL LAW,**”; in line 30, strike “**STATEMENT**” and substitute “**NOTICE**”; strike beginning with “**YOUR**” in line 30 down through “**DENSE**” in line 31 and substitute “**THIS NOTICE CONTAINS THE RESULTS OF YOUR RECENT MAMMOGRAM, INCLUDING INFORMATION ABOUT BREAST DENSITY.**”

IF YOUR MAMMOGRAM SHOWS THAT YOUR BREAST TISSUE IS DENSE, YOU SHOULD KNOW THAT DENSE”;

in line 31, strike “**VERY**” and substitute “**A**”; in the same line, after “**COMMON**” insert “**FINDING**”; and in line 32, after “**ABNORMAL**” insert “**, WITH ABOUT HALF OF WOMEN HAVING DENSE OR HIGHLY DENSE BREASTS**”.

On page 3, in line 2, strike “**BREAST**”; in line 4, after “**AWARENESS**” insert “**AND TO INFORM YOUR CONVERSATIONS WITH YOUR PHYSICIAN**”; strike beginning with “**USE**” in line 4 down through “**RISK**” in line 7 and substitute “**TOGETHER, YOU CAN DECIDE WHICH SCREENING OPTIONS ARE RIGHT FOR YOU BASED ON YOUR MAMMOGRAM RESULTS, INDIVIDUAL RISK FACTORS, OR PHYSICAL EXAMINATION**”; in line 7, strike “**DOCTOR**” and substitute “**PHYSICIAN**”; and after line 7, insert:

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

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