

HOUSE BILL 312

J3, J1

3lr0844
CF SB 334

By: Delegates Pena–Melnyk, Afzali, Barkley, Beidle, Bobo, Braveboy, Bromwell, Carr, Carter, Costa, Cullison, Eckardt, Elliott, Frank, Frush, Gaines, George, Glenn, Griffith, Gutierrez, Haddaway–Ricchio, Healey, Holmes, Hubbard, Ivey, Jameson, Jones, A. Kelly, Kipke, Krebs, Lee, Luedtke, McComas, A. Miller, Mizeur, Morhaim, Murphy, Nathan–Pulliam, O’Donnell, Oaks, Ready, Reznik, Rosenberg, Schuh, Sophocleus, Summers, Szeliga, Tarrant, V. Turner, Valderrama, Vitale, Walker, and Wilson

Introduced and read first time: January 24, 2013
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 20, 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; providing for the
8 application and construction of this Act; altering a certain definition; defining a
9 certain term; and generally relating to mammograms, dense breast tissue, and
10 notification.

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

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

3 **Article – Health – General**

4 20–115.

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

6 (2) (i) “Center” means any facility that produces, develops, or
7 interprets:

8 1. Screening **MAMMOGRAMS; OR**

9 2. Diagnostic mammograms[; or

10 3. Both].

11 (ii) “Center” includes a hospital, outpatient department, medical
12 laboratory, clinic, radiology practice, office of a health care provider, or other testing
13 facility conducting mammography testing.

14 (iii) “Center” does not include a facility of the federal
15 Department of Veterans Affairs.

16 **(3) “DENSE BREAST TISSUE” MEANS HETEROGENEOUSLY DENSE**
17 **OR EXTREMELY DENSE TISSUE AS DEFINED IN NATIONALLY RECOGNIZED**
18 **GUIDELINES OR SYSTEMS FOR BREAST IMAGING REPORTING OF MAMMOGRAPHY**
19 **SCREENING, INCLUDING THE BREAST IMAGING REPORTING AND DATA SYSTEM**
20 **OF THE AMERICAN COLLEGE OF RADIOLOGY.**

21 ~~[(3)]~~ (4) “Mammogram” means a radiographic image produced
22 through mammography.

23 ~~[(4)]~~ (5) “Mammography testing” means the imaging of the breast
24 with ionizing radiation.

25 (b) On or after July 1, 1992, a person may not perform mammography
26 testing unless:

27 (1) The individual performing mammography testing is qualified
28 under Title 14 of the Health Occupations Article; and

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

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

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

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

11 (II) THIS SECTION MAY NOT BE CONSTRUED TO:

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

16 2. CREATE A STANDARD OF CARE, OBLIGATION, OR
17 DUTY THAT PROVIDES A BASIS FOR A CAUSE OF ACTION.

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

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

33 THIS INFORMATION ABOUT THE RESULT OF YOUR MAMMOGRAM IS GIVEN
34 TO YOU TO RAISE YOUR AWARENESS AND TO INFORM YOUR CONVERSATIONS
35 WITH YOUR PHYSICIAN. ~~USE THIS INFORMATION TO TALK TO YOUR DOCTOR~~
36 ~~ABOUT YOUR OWN RISKS FOR BREAST CANCER. AT THAT TIME, ASK YOUR~~

1 ~~DOCTOR IF MORE SCREENING TESTS MIGHT BE USEFUL, BASED ON YOUR RISK~~
 2 TOGETHER, YOU CAN DECIDE WHICH SCREENING OPTIONS ARE RIGHT FOR YOU
 3 BASED ON YOUR MAMMOGRAM RESULTS, INDIVIDUAL RISK FACTORS, OR
 4 PHYSICAL EXAMINATION. A REPORT OF YOUR RESULTS WAS SENT TO YOUR
 5 ~~DOCTOR~~ PHYSICIAN.”.

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

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

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

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.