

1 SB22  
2 148556-4  
3 By Senator Bedford  
4 RFD: Health  
5 First Read: 05-FEB-13  
6 PFD: 10/11/2012

2  
3  
4 ENGROSSED

5  
6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to breast cancer education and coverage; to  
12 require the Alabama Department of Public Health to develop,  
13 and to disseminate to breast cancer patients, a standardized  
14 written summary explaining methods of treating breast cancer,  
15 options for reconstruction, and the availability of coverage;  
16 and to require the physician issuing the report of the  
17 mammography to notify patients under certain conditions of  
18 potential problems associated with dense breast tissue.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. (a) The Alabama Department of Public  
21 Health shall develop a standardized written summary, in plain  
22 nontechnical language, which shall contain all of the  
23 following:

24 (1) An explanation of the alternative medically  
25 viable methods of treating breast cancer including, but not  
26 limited to, hormonal, radiological, chemotherapeutic, or  
27 surgical treatments, or combinations thereof.

1           (2) Information on breast reconstructive surgery  
2 including, but not limited to, the use of breast implants,  
3 their side effects, risks, and other pertinent information to  
4 aid a person in deciding on a course of treatment.

5           (3) An explanation of the special provisions  
6 relating to mastectomy, lymph node dissection, lumpectomy, and  
7 breast reconstructive surgery coverage, and second opinion  
8 coverage, including out-of-network options, under the  
9 insurance law, Section 22-6-10, Section 22-6-11, and Chapter  
10 50, Title 27, Code of Alabama 1975, and suggest that patients  
11 undergoing such procedures check their health plans or  
12 insurance policies, or both, for the details of their  
13 coverage.

14           (4) Any other information the department deems  
15 necessary.

16           (b) The standardized written summary for alternative  
17 breast cancer treatments shall be provided by a physician to  
18 each person under his or her care who has been diagnosed to be  
19 afflicted with breast cancer upon diagnosis, or as soon  
20 thereafter as practicable. Hospitals that provide mastectomy  
21 surgery, lymph node dissection, or a lumpectomy shall also  
22 provide the information developed by the department.

23           (c) The summary shall be updated as is necessary.

24           (d) Nothing in this article shall be construed to  
25 create a cause of action for lack of informed consent. Nothing  
26 in this act shall be construed to establish a standard of care  
27 for physicians or otherwise modify, amend, or supersede any

1 provision of the Alabama Medical Liability Act of 1987 or the  
2 Alabama Medical Liability Act of 1966, commencing with Section  
3 6-5-540, Code of Alabama 1975, et seq., or any amendment  
4 thereto, or any judicial interpretation thereof.

5 Section 2. (a) If the mammogram of a patient  
6 demonstrates dense breast tissue, the physician issuing the  
7 report of the mammography results shall provide notification  
8 to the patient that includes, but is not limited to, the  
9 following statement:

10 "Your mammogram shows that your breast tissue is  
11 dense. Dense breast tissue is very common and is not abnormal.  
12 However, dense breast tissue may make it harder to find cancer  
13 on a mammogram and may also be associated with an increased  
14 risk of breast cancer. This information about the result of  
15 your mammogram is given to you to raise your awareness. Use  
16 this information to talk to your doctor about your own risks  
17 for breast cancer. At that time, ask your doctor if more  
18 screening tests might be useful, based on your risk. A report  
19 of your results was sent to your physician."

20 (b) For the purposes of this section, dense breast  
21 tissue means heterogeneously dense or extremely dense tissue  
22 as defined in nationally recognized guidelines or systems for  
23 breast imaging reporting of mammography screening including,  
24 but not limited to, the breast imaging reporting and data  
25 system of the American College of Radiology, and any  
26 equivalent new terms, as such guidelines or systems are  
27 updated.

1                   Section 3. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
  
11  
12  
13  
14  
15  
16  
17

Senate

Read for the first time and referred to the Senate  
committee on Health..... 05-FEB-13

Read for the second time and placed on the calen-  
dar with 1 substitute and..... 14-FEB-13

Read for the third time and passed as amended .... 19-FEB-13

Yeas 27  
Nays 0

Patrick Harris  
Secretary