

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

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8 SYNOPSIS: Under existing law, health plans that offer
9 breast cancer coverage have been required to
10 provide coverage for reconstruction and prostheses.

11 This bill would require the Alabama
12 Department of Public Health to develop and
13 disseminate for patients diagnosed with breast
14 cancer, a standardized written summary explaining
15 methods of treating breast cancer, options for
16 reconstruction, and the availability of coverage.

17 This bill would require every physician who
18 issues a report of mammography results to notify
19 patients under certain conditions of potential
20 problems associated with dense breast tissue.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

25
26 Relating to breast cancer education and coverage; to
27 require the Alabama Department of Public Health to develop,

1 and to disseminate to breast cancer patients, a standardized
2 written summary explaining methods of treating breast cancer,
3 options for reconstruction, and the availability of coverage;
4 and to require the physician issuing the report of the
5 mammography to notify patients under certain conditions of
6 potential problems associated with dense breast tissue.

7 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

8 Section 1. (a) The Alabama Department of Public
9 Health shall develop a standardized written summary, in plain
10 nontechnical language, which shall contain all of the
11 following:

12 (1) An explanation of the alternative medically
13 viable methods of treating breast cancer including, but not
14 limited to, hormonal, radiological, chemotherapeutic, or
15 surgical treatments, or combinations thereof.

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

20 (3) An explanation of the special provisions
21 relating to mastectomy, lymph node dissection, lumpectomy, and
22 breast reconstructive surgery coverage, and second opinion
23 coverage, including out-of-network options, under the
24 insurance law, Section 22-6-10, Section 22-6-11, and Chapter
25 50, Title 27, Code of Alabama 1975, and suggest that patients
26 undergoing such procedures check their health plans or

1 insurance policies, or both, for the details of their
2 coverage.

3 (4) Any other information the department deems
4 necessary.

5 (b) The standardized written summary for alternative
6 breast cancer treatments shall be provided by a physician to
7 each person under his or her care who has been diagnosed to be
8 afflicted with breast cancer upon diagnosis, or as soon
9 thereafter as practicable. Hospitals that provide mastectomy
10 surgery, lymph node dissection, or a lumpectomy shall also
11 provide the information developed by the department.

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

13 (d) Nothing in this article shall be construed to
14 create a cause of action for lack of informed consent. Nothing
15 in this act shall be construed to establish a standard of care
16 for physicians or otherwise modify, amend, or supersede any
17 provision of the Alabama Medical Liability Act of 1987 or the
18 Alabama Medical Liability Act of 1966, commencing with Section
19 6-5-540, Code of Alabama 1975, et seq., or any amendment
20 thereto, or any judicial interpretation thereof.

21 Section 2. (a) If the mammogram of a patient
22 demonstrates dense breast tissue, the physician issuing the
23 report of the mammography results shall provide notification
24 to the patient that includes, but is not limited to, the
25 following statement:

26 "Your mammogram shows that your breast tissue is
27 dense. Dense breast tissue is very common and is not abnormal.

1 However, dense breast tissue may make it harder to find cancer
2 on a mammogram and may also be associated with an increased
3 risk of breast cancer. This information about the result of
4 your mammogram is given to you to raise your awareness. Use
5 this information to talk to your doctor about your own risks
6 for breast cancer. At that time, ask your doctor if more
7 screening tests might be useful, based on your risk. A report
8 of your results was sent to your physician."

9 (b) For the purposes of this section, dense breast
10 tissue means heterogeneously dense or extremely dense tissue
11 as defined in nationally recognized guidelines or systems for
12 breast imaging reporting of mammography screening including,
13 but not limited to, the breast imaging reporting and data
14 system of the American College of Radiology, and any
15 equivalent new terms, as such guidelines or systems are
16 updated.

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