

113TH CONGRESS
1ST SESSION

H. R. 3404

To require that every mammography summary delivered to a patient after a mammography examination, as required by section 354 of the Public Health Service Act (commonly referred to as the “Mammography Quality Standards Act of 1992”), contain information regarding the patient’s breast density and language communicating that individuals with more dense breasts may benefit from supplemental screening tests, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 30, 2013

Ms. DELAURO (for herself, Mr. ISRAEL, Ms. BROWN of Florida, Ms. CASTOR of Florida, Mr. COHEN, Mr. CONNOLLY, Mr. CONYERS, Mr. DEFAZIO, Mr. FITZPATRICK, Mr. GRIJALVA, Mr. GUTIÉRREZ, Mr. HASTINGS of Florida, Mr. LARSON of Connecticut, Mrs. LOWEY, Ms. MOORE, Mr. MORAN, Ms. NORTON, Mr. RUSH, Mr. SCHIFF, Ms. TSONGAS, and Mr. WOLF) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require that every mammography summary delivered to a patient after a mammography examination, as required by section 354 of the Public Health Service Act (commonly referred to as the “Mammography Quality Standards Act of 1992”), contain information regarding the patient’s breast density and language communicating that individuals with more dense breasts may benefit from supplemental screening tests, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Breast Density and
5 Mammography Reporting Act of 2013”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds as follows:

8 (1) The American Cancer Society reports that
9 an individual with dense breast tissue faces a rel-
10 ative risk of developing breast cancer 4 or more
11 times higher than an individual without dense breast
12 tissue.

13 (2) The National Cancer Institute estimates
14 that 1 in 8 women in the United States will develop
15 a cancer of the breast in their lifetime.

16 (3) The Centers for Disease Control and Pre-
17 vention reports that breast cancer is the number one
18 cause of cancer death among Hispanic women, and
19 the number two cause of cancer death among White,
20 Black, Asian/Pacific Islander, and American Indian/
21 Alaska Native women.

22 (4) Individuals receiving mammograms are not
23 currently required to receive medical summaries or
24 reports from their mammogram providers which ad-
25 dress breast density or its correlation to breast can-

1 cer, despite the fact that the radiologist interpreting
2 the mammogram makes an assessment of the pa-
3 tient’s breast density.

4 **SEC. 3. BREAST DENSITY REPORTING BY FACILITIES THAT**
5 **PERFORM MAMMOGRAMS TO PHYSICIANS**
6 **AND PATIENTS.**

7 (a) IN GENERAL.—Clause (ii) of section 354(f)(1)(G)
8 of the Public Health Service Act (42 U.S.C.
9 263b(f)(1)(G)) is amended—

10 (1) in each of subclauses (III) and (IV), by
11 striking “and” at the end; and

12 (2) by adding at the end the following:

13 “(V) the report under subclause (I)
14 and the summary under subclause (IV)
15 shall include information regarding the pa-
16 tient’s individual measure of breast den-
17 sity, as specified by the Secretary based
18 upon—

19 “(aa) current scientific knowl-
20 edge;

21 “(bb) technological advances; or

22 “(cc) other updated medical pro-
23 cedures where the use of such screen-
24 ing developments is consistent with

1 the practice of medical experts in the
2 field;

3 “(VI) the summary under subclause
4 (IV) shall convey to the patient his or her
5 risk of developing breast cancer associated
6 with below, above, and average levels of
7 breast density as measured under sub-
8 clause (V) and analyzed by the patient’s
9 interpreting physician; and

10 “(VII) the summary under subclause
11 (IV) shall include language, developed by
12 the Secretary in consultation with leading
13 experts, communicating that individuals
14 with more dense breasts—

15 “(aa) may benefit from supple-
16 mental screening tests; and

17 “(bb) should talk with their phy-
18 sicians about any questions or con-
19 cerns regarding the summary; and”.

20 (b) RULE OF CONSTRUCTION.—This section and the
21 amendments made by this section shall not be construed
22 to alter in any way Federal requirements relating to finan-
23 cial obligations of any person in connection with health
24 insurance.

1 (c) NO PREEMPTION.—This section and the amend-
2 ments made by this section shall not be construed to pre-
3 empt any State requirements relating to reporting on a
4 patient’s individual measure of breast density.

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