

1 HB348  
2 149938-3  
3 By Representative Greeson  
4 RFD: Health  
5 First Read: 26-FEB-13

1 ENGROSSED

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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
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8 Relating to breast cancer education and coverage; to  
9 require the Alabama Department of Public Health to develop,  
10 and to disseminate to breast cancer patients, a standardized  
11 written summary explaining methods of treating breast cancer,  
12 options for reconstruction, and the availability of coverage;  
13 and to require the physician issuing the report of the  
14 mammography to notify patients under certain conditions of  
15 potential problems associated with dense breast tissue.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

25 (2) Information on breast reconstructive surgery  
26 including, but not limited to, the use of breast implants,

1 their side effects, risks, and other pertinent information to  
2 aid a person in deciding on a course of treatment.

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

12 (4) Any other information the department deems  
13 necessary.

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

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

22 (d) Nothing in this article shall be construed to  
23 create a cause of action for lack of informed consent. Nothing  
24 in this act shall be construed to establish a standard of care  
25 for physicians or otherwise modify, amend, or supersede any  
26 provision of the Alabama Medical Liability Act of 1987 or the  
27 Alabama Medical Liability Act of 1996, commencing with Section

1 6-5-540, Code of Alabama 1975, et seq., or any amendment  
2 thereto, or any judicial interpretation thereof.

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

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

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

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Health ..... 26-FEB-13

Read for the second time and placed  
on the calendar with 1 substitute  
and..... 07-MAR-13

Read for the third time and passed  
as amended..... 10-APR-13

Yeas 91, Nays 0, Abstains 0

Jeff Woodard  
Clerk