

RÉSUMÉ DIGEST

ACT 378 (HB 186)

2015 Regular Session

Montoucet

Existing law relative to access to mammograms provides that any person who may legally perform a mammography in this state may perform a screening mammography without the direction to do so by prescription of a licensed practitioner. Provides for notification to patients of results of screening mammograms.

New law adds thereto a requirement that, in addition to any letters or reports to patients pursuant to screening mammograms as may be required by federal law, the following notice be transmitted to all patients pursuant to such procedures, regardless of whether the procedure was directed by prescription or performed pursuant to self-referral:

"If your mammogram demonstrates that you have dense breast tissue, which could hide abnormalities, and you have other risk factors for breast cancer that have been identified, you might benefit from supplemental screening tests that may be suggested by your ordering physician.

Dense breast tissue, in and of itself, is a relatively common condition. Therefore, this information is not provided to cause undue concern, but rather to raise your awareness and to promote discussion with your physician regarding the presence of other risk factors, in addition to dense breast tissue.

A summary of your mammography results will be sent to you, and a full mammography report will be sent to your physician and also to you. You should contact your physician if you have any questions or concerns regarding your summary or report of results."

New law provides that the notice concerning supplemental screening required by new law may be transmitted by either regular mail or certified mail via the U.S. Postal Service, or by any other commercial mail delivery service.

New law provides that compliance with new law relative to the notice concerning supplemental screening does not create a cause of action or create a standard of care, obligation, or duty that provides a basis for a cause of action.

New law provides that the information in the notice concerning supplemental screening or evidence that a person failed to transmit the notice as required by new law shall not be admissible in a civil, judicial, or administrative proceeding.

New law requires each mammography facility and every healthcare facility that performs breast ultrasound examinations to transmit to each patient the following, as appropriate to the procedure performed:

- (1) A copy of the patient's mammography report issued by the facility to the patient's referring physician.
- (2) A copy of the patient's full narrative radiology report of ultrasound findings.

New law provides that each healthcare facility subject to the requirements of new law shall transmit the mammography and ultrasound reports specified in new law to patients within the time frame prescribed in federal regulations for communication of mammography results to healthcare providers (21 CFR 900.12(c)). Provides that mammography and ultrasound reports may be transmitted to patients in any manner that comports with the provisions of federal regulations relative to security and privacy of health information (42 CFR Part 164).

New law provides that in addition to transmitting mammography and ultrasound reports to patients as required by new law, healthcare facilities may provide such reports electronically through electronic patient portals that meet applicable federal standards.

New law provides a legislative declaration indicating that early detection of breast cancer saves lives, and that facilitating early detection of all forms of cancer is a public health priority of this state.

New law shall be known as the "Monica Landry Helo Early Detection Act".

Effective January 1, 2016.

(Amends R.S. 40:1300.182 and 1300.183; Adds R.S. 40:1300.182.1 and 1300.182.2)