

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

1 SB22

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4 ENROLLED, An Act,

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

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

10 (4) Any other information the department deems
11 necessary.

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

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

20 (d) Nothing in this article shall be construed to
21 create a cause of action for lack of informed consent. Nothing
22 in this act shall be construed to establish a standard of care
23 for physicians or otherwise modify, amend, or supersede any
24 provision of the Alabama Medical Liability Act of 1987 or the
25 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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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB22

Senate 19-FEB-13

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Amended and passed 20-MAY-13

Senate concurred in House amendment 20-MAY-13

By: Senator Bedford