S T A T E O F N E W Y O R K

6760

I N S E N A T E

March 19, 2012

Introduced by Sen. FLANAGAN -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to the duty of mammography services to notify patients in certain circumstances

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public health law is amended by adding a new section 2404-c to read as follows:

S 2404-C. BREAST CANCER; DUTY OF PROVIDERS OF MAMMOGRAPHY SERVICES TO NOTIFY AND INFORM. 1. THE COMMISSIONER SHALL DEVELOP A STANDARD WRITTEN NOTIFICATION IN PLAIN NON-TECHNICAL LANGUAGE FOR PATIENTS, WHO RECEIVED MAMMOGRAPHY SERVICES THAT DEMONSTRATE THE PATIENT HAS HETEROGENEOUSLY OR EXTREMELY DENSE BREAST TISSUE BASED ON THE BREAST IMAGING REPORTING AND DATA SYSTEM ESTABLISHED BY THE AMERICAN COLLEGE OF RADIOLOGY, WHICH SHALL EXPLAIN THAT:

(A) THE PATIENT'S MAMMOGRAPHY RESULTS DEMONSTRATE THAT THE PATIENT HAS DENSE BREAST TISSUE WHICH MAY REDUCE THE SENSITIVITY OF MAMMOGRAPHY SCREENING AND INTERFERE WITH THE DETECTION OF ABNORMALITIES;

(B) THE NOTIFICATION HAS ALSO BEEN SENT TO THE PATIENT'S PHYSICIAN; AND

(C) THE NOTIFICATION IS PROVIDED TO ENCOURAGE THE PATIENT TO DISCUSS WITH THE PATIENT'S PHYSICIAN THE OPTION OF ADDITIONAL METHODS OF SCREENING FOR BREAST CANCER DEPENDING ON THE PATIENT'S RISK FACTORS.

2. EVERY PROVIDER OF MAMMOGRAPHY SERVICES SHALL, IF A PATIENT HAS HETEROGENEOUSLY DENSE OR EXTREMELY DENSE BREAST TISSUE, INCLUDE SUCH NOTIFICATION IN ANY MAMMOGRAPHY REPORT SENT, PURSUANT TO THE FEDERAL MAMMOGRAPHY QUALITY STANDARDS ACT, TO THE PATIENT AND THE PATIENT'S PHYSICIAN.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD15073-01-2