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I N   A S S E M B L Y

March 20, 2012

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Introduced by M. of A. JAFFEE, SWEENEY, GUNTHER, McENENY, ABINANTI, LANCMAN, COLTON, JACOBS, MILLMAN, BARRON, N. RIVERA, MAISEL, HOOPER, ROBERTS, RUSSELL, CASTRO, QUART, CAHILL, GALEF, ENGLEBRIGHT, O'DONNELL, SCHIMEL, SCARBOROUGH, WEPRIN, LINARES, COOK, ROBINSON, CLARK, CYMBROWITZ, LATIMER, LIFTON, LAVINE, BRAUNSTEIN, PRETLOW, MOYA, J. RIVERA, GRAF, SIMANOWITZ, STEVENSON, TITUS, MAGNARELLI, MENG, GIBSON -- Multi-Sponsored by -- M. of A. ABBATE, AMEDORE, ARROYO, AUBRY, BRENNAN, BURLING, CALHOUN, CONTE, CRESPO, CROUCH, CURRAN, DenDEKKER, DINOWITZ, DUPREY, HAWLEY, HEVESI, LOSQUADRO, LUPARDO, MARKEY, MONTESANO, MURRAY, PEOPLES-STOKES, PERRY, RA, RAIA, P. RIVERA, SALADINO, SAYWARD, TENNEY, THIELE, TITONE, WEISENBERG -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to supplemental screenings

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

1     Section 1. The public health law is amended by adding a new section  
2     2404-c to read as follows:  
3     S 2404-C. BREAST CANCER; DUTY OF PROVIDERS OF MAMMOGRAPHY SERVICES TO  
4     NOTIFY AND INFORM. EVERY PROVIDER OF MAMMOGRAPHY SERVICES SHALL, IF A  
5     PATIENT'S MAMMOGRAM DEMONSTRATES DENSE BREAST TISSUE, PROVIDE NOTIFICA-  
6     TION TO SUCH PATIENT THAT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE  
7     FOLLOWING INFORMATION, IN ANY SUMMARY OF THE MAMMOGRAPHY REPORT SENT,  
8     PURSUANT TO THE FEDERAL MAMMOGRAPHY QUALITY STANDARDS ACT, TO THE  
9     PATIENT AND THE PATIENT'S PHYSICIAN:  
10    YOUR MAMMOGRAM SHOWS THAT YOUR BREAST TISSUE IS DENSE. DENSE BREAST  
11    TISSUE IS VERY COMMON AND IS NOT ABNORMAL. HOWEVER, DENSE BREAST TISSUE  
12    CAN MAKE IT HARDER TO FIND CANCER ON A MAMMOGRAM AND MAY ALSO INCREASE  
13    YOUR BREAST CANCER RISK.  
14    THIS INFORMATION ABOUT THE RESULT OF YOUR MAMMOGRAM IS GIVEN TO YOU TO  
15    RAISE YOUR AWARENESS. USE THIS INFORMATION TO TALK TO YOUR DOCTOR ABOUT

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

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1 YOUR OWN RISKS FOR BREAST CANCER. AT THAT TIME, ASK YOUR DOCTOR IF MORE  
2 SCREENING TESTS MIGHT BE USEFUL, BASED ON YOUR RISK. A REPORT OF YOUR  
3 RESULTS WAS SENT TO YOUR PHYSICIAN.

4 FOR THE PURPOSES OF THIS SECTION DENSE BREAST TISSUE SHALL MEAN HETER-  
5 OGENEOUSLY DENSE OR EXTREMELY DENSE TISSUE AS FURTHER DEFINED IN REGU-  
6 LATIONS ADOPTED BY THE COMMISSIONER. SUCH DEFINITION SHALL BE BASED ON  
7 NATIONALLY RECOGNIZED GUIDELINES OR SYSTEMS FOR BREAST IMAGING REPORTING  
8 OF MAMMOGRAPHY SCREENING, INCLUDING, BUT NOT LIMITED TO, THE BREAST  
9 IMAGING REPORTING AND DATA SYSTEM OF THE AMERICAN COLLEGE OF RADIOLOGY.  
10 THE COMMISSIONER SHALL UPDATE SUCH REGULATIONS AS SUCH GUIDELINES OR  
11 SYSTEMS ARE UPDATED.

12 S 2. This act shall take effect on the one hundred eightieth day after  
13 it shall have become a law. Effective immediately the commissioner of  
14 health may promulgate any rule or regulation necessary for the timely  
15 implementation of this act on its effective date.