STATE OF NEW YORK

7647

IN SENATE

January 5, 2022

Introduced by Sen. KAPLAN -- 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 allowing a notice of dense breast tissue to be considered a determination of medical necessity for coverage of a breast ultrasound

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 2404-c of the public health law, as added by chapter 265 of the laws of 2012, is amended to read as follows:

§ 2404-c. Breast cancer; duty of providers of mammography services to notify and inform. **1.** Every provider of mammography services shall, if a patient's mammogram demonstrates dense breast tissue, provide notification to such patient that shall include, but not be limited to, the following information, in any summary of the mammography report sent, pursuant to the federal mammography quality standards act, to the patient:

Your mammogram shows that your breast tissue is dense. Dense breast tissue is very common and is not abnormal. However, dense breast tissue can make it harder to find cancer on a mammogram and may also be associated with an increased risk of breast cancer.

This information about the result of your mammogram is given to you to raise your awareness. Use this information to talk to your doctor about your own risks for breast cancer. At that time, ask your doctor if more screening tests might be useful, based on your risk. A report of your results was sent to your physician.

For the purposes of this section dense breast tissue shall mean heterogeneously dense or extremely dense tissue as defined in nationally recognized guidelines or systems for breast imaging reporting of mammography screening, including, but not limited to, the breast imaging reporting and data system of the American College of Radiology, and any equivalent new terms, as such guidelines or systems are updated.

2. Where a provider of mammography services has provided notice to a patient under subdivision one of this section, the notice shall be considered a determination of medical necessity for purposes of coverage of a breast ultrasound as recommended by the provider.

§ 2. This act shall take effect immediately.

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

LBD13824-02-1