§ 2404. Breast cancer; duty to inform. 1. The commissioner shall develop a standardized written summary, in plain non-technical language, which shall explain the alternative medically viable methods of treating breast cancer, including but not limited to hormonal, radiological, chemotherapeutic or surgical treatments, or combinations thereof. The summary shall contain information on breast or chest wall reconstructive surgery, including but not limited to, the use of breast implants, their side effects, risks and other pertinent information to aid a person in deciding on a course of treatment. Chest wall reconstructive information shall include information on aesthetic flat closure as such term is defined by the National Cancer Institute.

1-a. The informational summary shall also include an explanation of the special provisions relating to mastectomy, lymph node dissection, or lumpectomy, and breast or chest wall reconstructive surgery coverage, and second opinion coverage (including out-of-network options) under the insurance law and section twenty-eight hundred three-o of this chapter, and suggest that patients undergoing such procedures check their health plans and/or insurance policies for the details of their coverage.

2. The standardized written summary for alternative breast cancer treatments shall be provided by a physician to each person under his care who has been diagnosed to be afflicted with breast cancer upon said diagnosis, or as soon thereafter as practicable.

3. The summary shall be updated as is necessary.

4. Nothing in this section shall be construed to create a cause of action for lack of informed consent in any instance in which such cause of action would be limited by section twenty-eight hundred five-d of this chapter.