

Senate Bill No. 1538

Passed the Senate August 29, 2012

Secretary of the Senate

Passed the Assembly August 28, 2012

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add and repeal Section 123222.3 of the Health and Safety Code, relating to mammograms.

LEGISLATIVE COUNSEL'S DIGEST

SB 1538, Simitian. Health care: mammograms.

Existing law requires specified information to be provided to patients regarding their health care. Existing federal law requires a written report of the results of each mammography examination and requires a summary of that report to be sent to the patient within a specified time period.

This bill, from April 1, 2013, until January 1, 2019, would require, under specified circumstances, a health facility at which a mammography examination is performed to include in the summary of the written report that is sent to the patient a prescribed notice on breast density.

The people of the State of California do enact as follows:

SECTION 1. Section 123222.3 is added to the Health and Safety Code, to read:

123222.3. (a) A health facility at which a mammography examination is performed shall, if a patient is categorized by the facility as having heterogeneously dense breasts or extremely dense breasts, based on the Breast Imaging Reporting and Data System established by the American College of Radiology, include in the summary of the written report that is sent to the patient, as required by federal law, the following notice:

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

This information about the results of your mammogram is given to you to raise your awareness and to inform your conversations with your doctor. Together, you can decide which screening options

are right for you. A report of your results was sent to your physician.

(b) This section shall become operative on April 1, 2013.

(c) (1) Nothing in this section shall be construed to create or impose liability on a health care facility for failing to comply with the requirements of this section prior to April 1, 2013.

(2) Nothing in this section shall be deemed to create a duty of care or other legal obligation beyond the duty to provide notice as set forth in this section.

(3) Nothing in this section shall be deemed to require a notice that is inconsistent with the provisions of the federal Mammography Quality Standards Act (42 U.S.C. Sec. 263b) or any regulations promulgated pursuant to that act.

(d) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

Approved _____, 2012

Governor