

SESSION OF 2012

SUPPLEMENTAL NOTE ON SENATE BILL NO. 407

As Amended by Senate Committee on Public
Health and Welfare

Brief*

SB 407, as amended, would enact new law to require certain information about breast density be provided in mammography reports sent to patients and further require a specific notice be provided to patients with heterogeneously dense or extremely dense breast tissue. The bill also would require the state Board of Healing Arts, in conjunction with the Department of Health and Environment, to develop and make available information regarding mammography testing. The provisions of the bill would be made part and supplemental to the Kansas Healing Arts Act.

Specifically, the bill would require that information on breast density, based on the breast imaging and database system established by the American College of Radiology, be included in mammography reports sent to a patient pursuant to regulations implementing the federal Mammography Quality Standards Act promulgated by the United States Food and Drug Administration. Further, for patients with mammogram results demonstrating the presence of heterogeneously dense or extremely dense breast tissue, a notice would be included in the report expressing the known limitations of mammography in women who have dense breast tissue. The notice would state the information is provided to raise awareness and to promote discussion with the patient's physician about the test results and the possible need for additional tests the physician might recommend, depending on individual risk factors.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

The bill was introduced by the Senate Ways and Means Committee at the request of Senator Jean Schodorf. Testimony in favor of the bill before the Senate Committee on Public Health and Welfare was provided by Senator Jean Schodorf, Representative Sheryl Spalding, an Assistant Professor of Radiology at the University of Kansas Medical Center, and representatives of Are You Dense Advocacy, Inc., the Kansas Cancer Partnership, and the Kansas Medical Society. The proponents testified about the need for information to be provided regarding the limitations in the accuracy of mammograms for patients with dense breasts. The Assistant Professor testified that while the accuracy of mammography approaches 100 percent in very fatty breasts, it falls to about 50 percent in dense breasts. The Associate Professor stated dense breasts affect about 50 percent of pre-menopausal women and up to 40 percent of post-menopausal women, and the risk of breast cancer is four to six times greater in a woman with the most dense breast when compared to a fatty breast. No testimony opposing the bill was presented at the Senate Committee hearing.

Neutral testimony was presented to the Senate Committee by the Executive Director of the State Board of Healing Arts (KSBHA), who testified that the Kansas Department on Health and Environment (KDHE) currently develops and distributes information on breast cancer, mammography, and mammography testing, and a link to the KDHE website could be posted on KSBHA's website at no additional cost. The Executive Director sought clarification as to whether the intent of the bill was to expand KSBHA's scope to develop a campaign to distribute public information as done by KDHE, as this could cause KSBHA to incur significant additional costs.

The Senate Committee on Public Health and Welfare amended the bill to clarify that the notice would be required for patients with heterogeneously dense or extremely dense breast tissue, that the notice clearly state the patient has

dense breast tissue, and to inform the patient that additional tests might be recommended by their physician. The Committee considered specifying the types of tests which might be recommended, but did not adopt such language in the amendment presented by the proponents of the bill.

The fiscal note prepared by the Division of the Budget on the original bill states passage of the bill would have no fiscal effect on the State Board of Healing Arts or the Department of Health and Environment.