



# Senate

General Assembly

**File No. 13**

January Session, 2009

Substitute Senate Bill No. 458

*Senate, February 25, 2009*

The Committee on Insurance and Real Estate reported through SEN. CRISCO of the 17th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT REQUIRING COMMUNICATION OF MAMMOGRAPHIC BREAST DENSITY INFORMATION TO PATIENTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-503 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) Each individual health insurance policy providing coverage of  
4 the type specified in subdivisions (1), (2), (4), (6), (10), (11) and (12) of  
5 section 38a-469 delivered, issued for delivery, renewed, amended or  
6 continued in this state on or after October 1, 2001, shall provide  
7 benefits for mammographic examinations to any woman covered  
8 under the policy which are at least equal to the following minimum  
9 requirements: (1) A baseline mammogram for any woman who is  
10 thirty-five to thirty-nine years of age, inclusive; and (2) a mammogram  
11 every year for any woman who is forty years of age or older. Such  
12 policy shall provide additional benefits for comprehensive ultrasound  
13 screening of an entire breast or breasts if a mammogram demonstrates  
14 heterogeneous or dense breast tissue based on the Breast Imaging

15 Reporting and Data System established by the American College of  
16 Radiology or if a woman is believed to be at increased risk for breast  
17 cancer due to family history or prior personal history of breast cancer,  
18 positive genetic testing or other indications as determined by a  
19 woman's physician or advanced practice registered nurse.

20 (b) Benefits under this section shall be subject to any policy  
21 provisions that apply to other services covered by such policy.

22 (c) On and after October 1, 2009, each mammography report  
23 provided to a patient shall include information about breast density,  
24 based on the Breast Imaging Reporting and Data System established  
25 by the American College of Radiology. Where applicable, such report  
26 shall include the following notice: "If your mammogram demonstrates  
27 that you have dense breast tissue, which could hide small  
28 abnormalities, you might benefit from supplementary screening tests,  
29 which can include a breast ultrasound screening or a breast MRI  
30 examination, or both, depending on your individual risk factors. A  
31 report of your mammography results, which contains information  
32 about your breast density, has been sent to your physician's office and  
33 you should contact your physician if you have any questions or  
34 concerns about this report."

35 Sec. 2. Section 38a-530 of the general statutes is repealed and the  
36 following is substituted in lieu thereof (*Effective October 1, 2009*):

37 (a) Each group health insurance policy providing coverage of the  
38 type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-  
39 469 delivered, issued for delivery, renewed, amended or continued in  
40 this state on or after October 1, 2001, shall provide benefits for  
41 mammographic examinations to any woman covered under the policy  
42 which are at least equal to the following minimum requirements: (1) A  
43 baseline mammogram for any woman who is thirty-five to thirty-nine  
44 years of age, inclusive; and (2) a mammogram every year for any  
45 woman who is forty years of age or older. Such policy shall provide  
46 additional benefits for comprehensive ultrasound screening of an  
47 entire breast or breasts if a mammogram demonstrates heterogeneous

48 or dense breast tissue based on the Breast Imaging Reporting and Data  
 49 System established by the American College of Radiology or if a  
 50 woman is believed to be at increased risk for breast cancer due to  
 51 family history or prior personal history of breast cancer, positive  
 52 genetic testing or other indications as determined by a woman's  
 53 physician or advanced practice registered nurse.

54 (b) Benefits under this section shall be subject to any policy  
 55 provisions that apply to other services covered by such policy.

56 (c) On and after October 1, 2009, each mammography report  
 57 provided to a patient shall include information about breast density,  
 58 based on the Breast Imaging Reporting and Data System established  
 59 by the American College of Radiology. Where applicable, such report  
 60 shall include the following notice: "If your mammogram demonstrates  
 61 that you have dense breast tissue, which could hide small  
 62 abnormalities, you might benefit from supplementary screening tests,  
 63 which can include a breast ultrasound screening or a breast MRI  
 64 examination, or both, depending on your individual risk factors. A  
 65 report of your mammography results, which contains information  
 66 about your breast density, has been sent to your physician's office and  
 67 you should contact your physician if you have any questions or  
 68 concerns about this report."

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2009	38a-503
Sec. 2	October 1, 2009	38a-530

**Statement of Legislative Commissioners:**

In sections 1(c) and 2(c), "and/or" was deleted and the sentences changed to "breast ultrasound screening or a breast MRI examination, or both," for consistency with the drafting conventions of the general statutes.

**INS**            *Joint Favorable Subst.*

---

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

---

***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

The bill requires mammography reports given to patients, when applicable, to have a notice related to breast density and does not result in a fiscal impact to the Insurance Department or municipalities.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis****sSB 458*****AN ACT REQUIRING COMMUNICATION OF MAMMOGRAPHIC BREAST DENSITY INFORMATION TO PATIENTS.*****SUMMARY:**

This bill requires all mammography reports (i.e., written results of a mammogram) given to a patient on and after October 1, 2009 to include information about breast density based on the American College of Radiology's Breast Imaging Reporting and Data System (BIRADS). When applicable, the report must include the following notice:

"If your mammogram demonstrates that you have dense breast tissue, which could hide small abnormalities, you might benefit from supplementary screening tests, which can include a breast ultrasound screening or a breast MRI examination, or both, depending on your individual risk factors. A report of your mammography results, which contains information about your breast density, has been sent to your physician's office and you should contact your physician if you have any questions or concerns about this report."

EFFECTIVE DATE: October 1, 2009

**BACKGROUND*****Federal Requirements for Mammography Report***

The federal Mammography Quality Standards Act requires a mammography facility to provide a mammogram report containing the imaging results to the patient and patient's health care provider within 30 days of the exam. The physician's report is clinical in nature, but the patient's report must be in plain, easy-to-understand language.

If the result is “suspicious” or “highly suggestive of malignancy,” the facility must make reasonable attempts to communicate with the patient and health care provider as soon as possible (42 USC § 263b(f)(1)(G)(ii) and 21 CFR § 900.12(c)(2),(3)).

### ***BIRADS***

The American College of Radiology collaborated with the National Cancer Institute, the Centers for Disease Control and Prevention, the American Medical Association, and others to develop BIRADS, which is used to standardize mammography reporting. There are two BIRADS scales: one characterizes breast density and the other characterizes a radiologist’s reading of what he or she sees on a mammogram. The breast density scale ranges from 1 (no areas with tissue that could obscure cancer) to 4 (tissue that can obscure cancer in more than 75% of the breast).

### ***Related Law Mandating Insurance Coverage***

By law, individual and group health insurance policies must provide coverage for at least (1) one baseline mammogram for a woman age 35 through age 39 and (2) one annual mammogram for a woman age 40 or older.

The policies also must cover a comprehensive ultrasound screening of an entire breast or breasts if (1) a mammogram shows heterogeneous or dense breast tissue based on BIRADS or (2) a woman is considered at an increased breast cancer risk because of family history, her prior breast cancer history, positive genetic testing, or other indications her physician or advanced practice registered nurse determines.

The law specifies that the required mammogram and ultrasound benefits are subject to policy provisions applicable to other covered services.

### ***Applicability of State Insurance Benefit Laws***

Due to federal law (ERISA), state insurance benefit mandates do not apply to self-insured benefit plans.

**COMMITTEE ACTION**

Insurance and Real Estate Committee

Joint Favorable Substitute

Yea 19 Nay 0 (02/10/2009)