

2015 Regular Session

HOUSE BILL NO. 186

BY REPRESENTATIVE MONTOUCET

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH SERVICES: Requires that mammography and ultrasound reports provide information regarding supplemental breast cancer screening

1 AN ACT

2 To amend and reenact R.S. 40:1300.181(A), 1300.182, and 1300.183, relative to breast
3 cancer screening services; to provide relative to notification of results of screening
4 mammograms and breast ultrasound examinations; to prescribe language to be
5 included in such notifications; to provide for limitation of liability; to specify an
6 effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1300.181(A), 1300.182, and 1300.183 are hereby amended and
9 reenacted to read as follows:

10 §1300.181. Screening mammography and ultrasound examination permitted

11 A. Notwithstanding any provision of law to the contrary, including but not
12 limited to R.S. 37:3213 and ~~R.S. 37:3219~~ 3219, any person who may legally perform
13 a mammography or breast ultrasound examination in this state may perform a
14 screening mammography or breast ultrasound examination without the direction by
15 prescription of a licensed practitioner.

16 * * *

17 §1300.182. Notification of results

18 A. Each patient shall be given the opportunity to name a physician to receive
19 the results of any screening mammogram or breast ultrasound examination
20 performed pursuant to this Part.

1 B.(1) The report of results mailed to the patient and to the named physician
2 shall clearly state whether the need for any follow-up care is indicated by the
3 mammogram or ultrasound examination.

4 (2) The report of results mailed to the patient shall include the following
5 notice in conspicuous and legible type which is not smaller than twelve-point font:

6 "If your mammogram or ultrasound examination demonstrates that you have
7 dense breast tissue, which could hide abnormalities, and you have other risk factors
8 for breast cancer that have been identified, you might benefit from supplemental
9 screening tests that may be suggested by your ordering physician.

10 Dense breast tissue, in and of itself, is a relatively common condition.
11 Therefore, this information is not provided to cause undue concern, but rather to
12 raise your awareness and to promote discussion with your physician regarding the
13 presence of other risk factors, in addition to dense breast tissue."

14 (3)(a) Notwithstanding any other law, this Subsection does not create a cause
15 of action or create a standard of care, obligation, or duty that provides a basis for a
16 cause of action.

17 (b) The information required by this Subsection or evidence that a person
18 violated the provisions of this Subsection is not admissible in a civil, judicial, or
19 administrative proceeding.

20 §1300.183. Limitation of liability

21 A. Any liability or responsibility for any subsequent or follow-up care and
22 treatment of an individual who receives a screening mammogram or breast
23 ultrasound examination pursuant to this Part on the part of the performer of that
24 ~~screening~~ mammogram or ultrasound examination, or on the part of any physician
25 performing an assessment of a screening mammogram or breast ultrasound
26 examination, shall cease upon delivery of the results or report of such ~~screening~~
27 mammogram or breast ultrasound examination to the screened, ~~examined~~, or tested
28 individual and to any physician named by the patient to receive such results. These
29 results shall be sent by certified mail, return receipt requested, and shall comply with

1 the reporting requirements for mammography results in the federal Mammography
2 Quality Standards Act, 42 ~~USE~~ U.S.C. 263b, and any regulations promulgated
3 pursuant thereto, including 21 CFR 900.1 et seq.

4 B. The liability of a supervising licensed practitioner for follow-up of
5 patients following a screening mammogram or breast ultrasound examination shall
6 be limited to informing the patient and a designated physician in accordance with the
7 guidelines issued under the Mammography Quality Standards Act, 42 ~~USE~~ U.S.C.
8 263b, and any regulations promulgated pursuant thereto, including 21 CFR 900.1 et
9 seq.

10 Section 2.(A) The legislature hereby declares that early detection of breast cancer
11 saves lives, and that facilitating early detection of all forms of cancer is a public health
12 priority of this state.

13 (B) This Act shall be known as the "Monica Landry Helo Early Detection Act".

14 Section 3. The Louisiana State Law Institute is hereby authorized to redesignate the
15 number of any Section of statute enacted by this Act in a manner that comports with the
16 technical recodification provisions of House Concurrent Resolution No. ____ of this 2015
17 Regular Session of the Legislature.

18 Section 4. This Act shall become effective on January 1, 2016.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 186 Original

2015 Regular Session

Montoucet

Abstract: Requires that mammography and ultrasound reports provide a specific statement to patients regarding supplemental breast cancer screening.

Present law relative to access to mammograms provides that any person who may legally perform a mammography in this state may perform a screening mammography without the direction to do so by prescription of a licensed practitioner. Provides for notification to patients of results of screening mammograms.

Proposed law retains present law, and adds thereto the following:

- (1) Designation of breast ultrasound examinations in addition to mammograms as breast cancer screening procedures which may be performed without direction to do so by prescription of a licensed practitioner.

- (2) A requirement that each notification to a patient of the results of a screening mammogram or breast ultrasound examination include the following notice:

"If your mammogram or ultrasound examination demonstrates that you have dense breast tissue, which could hide abnormalities, and you have other risk factors for breast cancer that have been identified, you might benefit from supplemental screening tests that may be suggested by your ordering physician.

Dense breast tissue, in and of itself, is a relatively common condition. Therefore, this information is not provided to cause undue concern, but rather to raise your awareness and to promote discussion with your physician regarding the presence of other risk factors, in addition to dense breast tissue."

Proposed law provides that proposed law and present law do not create a cause of action or create a standard of care, obligation, or duty that provides a basis for a cause of action. Provides further that the information required by proposed law and present law, or evidence that a person violated the provisions thereof, is not admissible in a civil, judicial, or administrative proceeding.

Proposed law provides a legislative declaration indicating that early detection of breast cancer saves lives, and that facilitating early detection of all forms of cancer is a public health priority of this state.

Proposed law shall be known as the "Monica Landry Helo Early Detection Act".

Effective Jan. 1, 2016.

(Amends R.S. 40:1300.181(A), 1300.182, and 1300.183)