

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6404

To require that every mammography report delivered to a patient after a mammography examination, as required by section 354 of the Public Health Service Act (commonly referred to as the “Mammography Quality Standards Act of 1992”), contain a summary of the patient’s breast density and a statement concerning the benefit of supplementary screening tests for patients with dense breast tissue, where such additional evaluations are recommended by a patient’s interpreting physician.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 15, 2010

Mr. MEEK of Florida (for himself, Ms. DELAURO, Mr. ISRAEL, and Ms. WASSERMAN SCHULTZ) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To require that every mammography report delivered to a patient after a mammography examination, as required by section 354 of the Public Health Service Act (commonly referred to as the “Mammography Quality Standards Act of 1992”), contain a summary of the patient’s breast density and a statement concerning the benefit of supplementary screening tests for patients with dense breast tissue, where such additional evaluations are recommended by a patient’s interpreting physician.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Breast Density and  
3 Mammography Reporting Act of 2010”.

4 **SEC. 2. FINDINGS.**

5 The Congress finds as follows:

6 (1) Individuals receiving mammograms are not  
7 currently required to receive medical summaries or  
8 reports from their mammogram providers which ad-  
9 dress breast density or its correlation to breast can-  
10 cer.

11 (2) The American Cancer Society reports that  
12 an individual with dense breast tissue faces a risk of  
13 developing breast cancer 4 or more times higher  
14 than an individual without dense breast tissue.

15 (3) The National Cancer Institute estimates  
16 that 1 in 8 women in the United States will develop  
17 a cancer of the breast in their lifetime.

18 (4) The Centers for Disease Control and Pre-  
19 vention reports that breast cancer is the number one  
20 cause of cancer death among Hispanic women, and  
21 the number two cause of cancer death among White,  
22 Black, Asian/Pacific Islander, and American Indian/  
23 Alaska Native women.

24 (5) The Breast Imaging Reporting and Data  
25 System (BI-RADS) is a standardized interpretation  
26 tool for mammogram evaluation developed by the

1 American College of Radiology. BI–RADS is widely  
2 used in the industry to indicate the absence or likeli-  
3 hood of breast cancer. The BI–RADS scoring sys-  
4 tem evaluates likelihood based in part on measure of  
5 breast density.

6 **SEC. 3. BREAST DENSITY REPORTING BY FACILITIES THAT**  
7 **PERFORM MAMMOGRAMS TO PHYSICIANS**  
8 **AND PATIENTS.**

9 (a) IN GENERAL.—Clause (ii) of section 354(f)(1)(G)  
10 of the Public Health Service Act (42 U.S.C.  
11 263b(f)(1)(G)) is amended—

12 (1) in each of subclauses (III) and (IV), by  
13 striking “and” at the end; and

14 (2) by adding at the end the following:

15 “(V) the summary under subclause  
16 (IV) shall include information regarding  
17 the patient’s individual measure of breast  
18 density—

19 “(aa) based on the Breast Imag-  
20 ing Reporting and Data System (BI-  
21 RADS) established by the American  
22 College of Radiology and used by the  
23 National Cancer Institute; or

24 “(bb) as specified by the Sec-  
25 retary based upon new scientific

1 knowledge, technological advances, or  
2 other updated medical procedures  
3 where the use of such screening devel-  
4 opments is consistent with the prac-  
5 tice of medical experts in the field;

6 “(VI) the summary under subclause  
7 (IV) shall convey to the patient his or her  
8 increased risk of developing breast cancer  
9 based on his or her individual measure of  
10 breast density as measured under sub-  
11 clause (V) and analyzed by the patient’s  
12 interpreting physician; and

13 “(VII) a written report under this  
14 clause shall include the following notice: ‘If  
15 your mammogram demonstrates that you  
16 have dense breast tissue, which could hide  
17 small abnormalities, you might benefit  
18 from supplementary screening tests for ex-  
19 panded detection, depending upon your in-  
20 dividual risk factors and the recommenda-  
21 tion of your interpreting physician. A re-  
22 port of your mammography results, which  
23 contains information about your breast  
24 density, has been sent to your treating  
25 physician’s office, and you should contact

1           your treating physician if you have any  
2           questions or concerns about your report.’;  
3           and”.

4           (b) RULE OF CONSTRUCTION.—This section and the  
5 amendments made by this section shall not be construed  
6 to alter in any way Federal requirements relating to finan-  
7 cial obligations of any person in connection with health  
8 insurance.

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