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A BILL
22-960

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA



To require health care facilities to notify patients of mammogram results tending to show high breast density; to amend the District of Columbia Cancer Prevention Act of 1990 to include certain preventative screening procedures; and to amend the Defending Access to Women’s Health Care Services Amendment Act of 2000 to require insurers to cover certain health-care services without cost-sharing and to require insurers to provide information regarding coverage to enrollees and potential enrollees.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Breast Density Screening and Notification Amendment Act of 2018”.

TITLE I. HEALTH CARE FACILITY NOTIFICATION

Sec. 101. Definitions.

For the purposes of this act, the term:

(1) “Breast density classification” means the four levels of breast density identified in the Breast Imaging Reporting and Data System established by the American College of Radiology, which are:

- (A) Class A, indicating fatty breast tissue;
- (B) Class B, indicating scattered fibroglandular breast tissue;
- (C) Class C, indicating heterogeneously dense breast tissue with fibrous

and glandular tissue that are evenly distributed throughout the breast;

29 (D) Class D, indicating extremely dense breast tissue.

30 (2) “Health care facility” means a hospital, maternity center, ambulatory surgical
31 facility, or hospice, as defined in the Health-Care and Community Residence Facility, Hospice
32 and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48; D.C.
33 Official Code § 44-501 *et seq.*).

34 Sec. 102. Health care facility notification.

35 (a)(1) Beginning January 1, 2019, a health care facility shall provide a patient receiving a
36 mammography exam with a mammography report detailing the results of an exam, including an
37 identification of a patient’s breast tissue classification.

38 (2) If a patient receives a class C or class D breast density classification, a
39 mammography report prepared pursuant to paragraph (1) of this subsection shall include the
40 following notice:

41 “Your mammogram indicates that you have dense breast tissue. Dense breast tissue is
42 relatively common and is not abnormal. Dense breast tissue can, however, make it more difficult
43 to detect cancers in the breast by mammography because it can hide small abnormalities and may
44 be associated with an increased risk of breast cancer. Accordingly, you may benefit from
45 supplementary screening tests, which may include a breast ultrasound screening, or a breast MRI
46 examination, or both, depending on your individual risk factors.

47 “This information is given to you to raise your awareness. Use this information to talk to
48 your health care provider about your own risks for breast cancer. At that time, ask your health
49 care provider if additional screening and/or tests may be useful based on your risk.

50 “A report of your results was sent to your health care provider. You should contact your
51 health care provider if you have any questions or concerns about this report.”.

52 **TITLE II. HEALTH INSURANCE BENEFITS COVERAGE**

53 Sec. 201. Section 3 of the District of Columbia Cancer Prevention Act of 1990, effective
54 March 7, 1991 (D.C. Law 8-225; D.C. Official Code § 31-2902), is amended as follows:

55 (a) Subsection (a) is amended as follows:

56 (1) Paragraph (1) is amended by striking the phrase “women; and” and inserting
57 the phrase “women, including a 3-D mammogram;” in its place.

58 (2) Paragraph (2) is amended by striking the phrase “women.” and inserting the
59 phrase “women, including a 3-D mammogram;” in its place.

60 (3) A new paragraph (3) is added to read as follows:

61 “(3) Adjuvant breast cancer screening, including magnetic resonance imaging,
62 ultrasound screening, or molecular breast imaging of the breast, if:

63 “(A) A mammogram demonstrates a Class C or Class D breast density
64 classification; or

65 “(B) A woman is believed to be at an increased risk for cancer due to
66 family history or prior personal history of breast cancer, positive genetic testing, or other
67 indications, as determined by a woman’s physician or advanced practice registered nurse.”.

68 (b) A new subsection (g) is added to read as follows:

69 “(g) For the purposes of this section, the term “breast density classification” means the
70 four levels of breast density identified in the Breast Imaging Reporting and Data System
71 established by the American College of Radiology, which are:

72 “(1) Class A, indicating fatty breast tissue;

73 “(2) Class B, indicating scattered fibroglandular breast tissue;

74 “(3) Class C, indicating heterogeneously dense breast tissue with fibrous and
75 glandular tissue that are evenly distributed throughout the breast;

76 “(4) Class D, indicating extremely dense breast tissue.”.

77 Sec. 202. Section 5b of the Women’s Health and Cancer Rights Federal Law Conformity
78 Act of 2000, effective April 3, 2001 (D.C. Law 13-254; D.C. Official Code § 31-3834.02), is
79 amended as follows:

80 (a) Subsection (a)(1) is amended by adding a new subparagraph (A-i) to read as follows:

81 “(A-i) Adjuvant breast cancer screening, including magnetic resonance
82 imaging, ultrasound screening, or molecular breast imaging of the breast, if:

83 “(i) A mammogram demonstrates a Class C or Class D breast
84 density classification; or

85 “(ii) A woman is believed to be at an increased risk for cancer due
86 to family history or prior personal history of breast cancer, positive genetic testing, or other
87 indications, as determined by a woman’s physician or advanced practice registered nurse.”.

88 (b) A new subsection (d) is added to read as follows:

89 “(d) For the purposes of this section, the term “breast density classification” means the
90 four levels of breast density identified in the Breast Imaging Reporting and Data System
91 established by the American College of Radiology, which are:

92 “(A) Class A, indicating fatty breast tissue;

93 “(B) Class B, indicating scattered fibroglandular breast tissue;

94 “(C) Class C, indicating heterogeneously dense breast tissue with fibrous
95 and glandular tissue that are evenly distributed throughout the breast;

96 “(D) Class D, indicating extremely dense breast tissue.”.

97 **TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE**

98 Sec. 301. Fiscal impact statement.

99 The Council adopts the fiscal impact statement in the committee report as the fiscal
100 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
101 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

102 Sec. 302. Effective date.

103 This act shall take effect following approval by the Mayor (or in the event of veto by the
104 Mayor, action by the Council to override the veto), a 30-day period of congressional review as

ENGROSSED ORIGINAL

105 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
106 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
107 Columbia Register.