

AN ACT
D.C. ACT 22-587

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JANUARY 18, 2019

To require health care facilities to provide patients receiving mammography exams with mammography reports detailing the results of mammography exams, including an identification of patients' breast tissue classification, and, under certain enumerated circumstances, to require health care facilities to append a notice to mammography reports explaining the potential ramifications of receiving a breast density classification that indicates the presence of dense breast tissue; to amend the District of Columbia Cancer Prevention Act of 1990 to require coverage of certain preventative breast cancer screening procedures; and to amend the Women's Health and Cancer Rights Federal Law Conformity Act of 2000 to require insurers to provide coverage for certain health-care services without imposing any cost-sharing requirements.

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 MAMMOGRAPHY REPORT

Sec. 101. Definitions.

For the purposes of this act, the term:

(1) "Breast density classification" means the 4 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; and
- (D) Class D, indicating extremely dense breast tissue.

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

Sec. 102. Health care facility mammography report.

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

(b) If a patient receives a class C or class D breast density classification, the mammography report prepared pursuant to subsection (a) of this section shall include the following notice:

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

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

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

TITLE II. HEALTH INSURANCE BENEFITS COVERAGE

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

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

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

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

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

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

"(A) A mammogram demonstrates a Class C or Class D breast density classification; or

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

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

“(g) For the purposes of this section, the term “breast density classification” means the 4 levels of breast density identified in the Breast Imaging Reporting and Data System established by the American College of Radiology, which are:

- “(1) Class A, indicating fatty breast tissue;
- “(2) Class B, indicating scattered fibroglandular breast tissue;
- “(3) Class C, indicating heterogeneously dense breast tissue with fibrous and glandular tissue that are evenly distributed throughout the breast; and
- “(4) Class D, indicating extremely dense breast tissue.”.

Sec. 202. Section 5b of the Women’s Health and Cancer Rights Federal Law Conformity Act of 2000, effective March 28, 2018 (D.C. Law 22-75; D.C. Official Code § 31-3834.02), is amended as follows:

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

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

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

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

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

“(d) For the purposes of this section, the term “breast density classification” means the 4 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; and
- “(D) Class D, indicating extremely dense breast tissue.”.

TITLE III. FISCAL IMPACT STATEMENT; EFFECTIVE DATE

Sec. 301. Fiscal impact statement.

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



COUNCIL OF THE DISTRICT OF COLUMBIA
WASHINGTON, DC, 20004

Docket No. **B22-0960**

ITEM ON CONSENT CALENDAR

ACTION & DATE

FIRST READING CC, Nov 13, 2018

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ROLL CALL VOTE - Result

Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB
Chmn. Mendelson	X				Gray	X				Silverman	X			
Allen	X				Grosso	X				T. White	X			
Bonds	X				McDuffie	X				Todd	X			
Cheh	X				Nadeau	X								
Evans	X				R. White	X								
X - Indicate Vote				AB - Absent				NV - Present, Not Voting						

CERTIFICATION RECORD

Secretary to the Council

12-13-18

Date

Docket No. **B22-0960**

ITEM ON CONSENT CALENDAR

ACTION & DATE

FINAL READING CC, Dec 4, 2018

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

GRAY AND MCDUFFIE

ROLL CALL VOTE - Result

Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB	Council Member	Aye	Nay	NV	AB
Chmn. Mendelson	X				Gray				X	Silverman	X			
Allen	X				Grosso	X				T. White	X			
Bonds	X				McDuffie				X	Todd	X			
Cheh	X				Nadeau	X								
Evans	X				R. White	X								
X - Indicate Vote				AB - Absent				NV - Present, Not Voting						

CERTIFICATION RECORD

Secretary to the Council

12-13-18

Date