

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **Senate Bill 51**

BY SENATOR FERNS

[Introduced February 8, 2017; referred  
to the Committee on Health and Human Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §16-5A-6, relating to requiring health care providers and facilities to notify a  
3 patient when a mammogram indicates dense breast tissue; requiring certain information  
4 to be included; and specifying that it does not create a standard of care, obligation or duty  
5 that would provide the basis for a private cause of action.

*Be it enacted by the Legislature of West Virginia:*

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
2 section, designated §16-5A-6, to read as follows:

**ARTICLE 5A. CANCER CONTROL.**

**§16-5A-6. Notification of breast density.**

1 (a) Upon completion of a mammogram, a radiologist or mammography facility that is  
2 certified by the United States Food and Drug Administration or by a certification agency approved  
3 by the United States Food and Drug Administration shall include in the mammography summary  
4 information that identifies a patient’s breast density. This information shall be based upon the  
5 Breast Imaging Reporting and Data System established by the American College of Radiology.

6 (b) The information included:

7 (1) Shall state that high density breast tissue is not abnormal;

8 (2) Should provide detail of the potential risks from high breast density;

9 (3) Provide information on the benefits of additional screening; and

10 (4) Shall suggest that the patient speak with the patient’s primary care physician.

11 (c) The patient may be provided with any other materials concerning breast density which  
12 may include, but is not limited to, the American College of Radiology’s most current brochure on  
13 the subject of breast density.

14 (d) This section does not create a standard of care, obligation or duty that would provide  
15 the basis for a private cause of action.

NOTE: The purpose of this bill is to require health care providers and facilities to notify a patient when a mammogram indicates dense breast tissue. It specifies information that must be included and that it does not create a standard of care, obligation or duty that would provide the basis for a private cause of action.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.