

# SENATE BILL REPORT

## SB 6050

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As of February 5, 2014

**Title:** An act relating to communication of mammographic breast density information to patients.

**Brief Description:** Concerning communication of mammographic breast density information to patients.

**Sponsors:** Senators O'Ban, Becker, Pedersen, Keiser, Dammeier, Darneille, Baumgartner, Rolfes, Kohl-Welles, Parlette, Hill and Brown.

**Brief History:**

**Committee Activity:** Health Care: 1/28/14.

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### SENATE COMMITTEE ON HEALTH CARE

**Staff:** Bonnie Kim (786-7316)

**Background:** Mammograms are screening tests used for early breast cancer detection and for breast evaluation. Breast density is a measure used to describe the proportion of the area of breast and connective, or fibroglandular, tissue to the area of fat. Breast and connective tissue is denser, meaning it blocks the passage of x-rays to a greater extent, than fatty tissue. Dense tissue appears white or light gray on a mammogram. Lumps, both benign and cancerous, also appear white. Thus, mammograms may be less accurate in patients with dense breasts because it is more difficult to interpret or detect abnormalities.

A qualified health care provider reviews mammographic results to screen for visible abnormalities and may assign a mammogram to one of four categories of breast density as published in the the Breast Imaging Reporting and Data System Atlas by the American College of Radiology. Patients classified in the highest two density levels have heterogeneously or extremely dense breast tissue.

Federal law requires any facility that performs a mammogram to send each patient a summary of the mammography report written in lay terms within 30 days of the examination. Facilities must also send a full written report, including a final assessment of breast density findings, to the patient's physician, or directly to the patient if there is no identified physician, within 30 days of the examination. Federal law does not require breast density information in the summary sent to the patient.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** If, after a mammogram, a physician determines a patient has heterogeneously dense or extremely dense breast tissue, the facility where the mammogram was performed must include the following notice in the summary letter sent to the patient:

"Your mammogram shows that your breast tissue is dense. Dense breast tissue is common and is not abnormal. However, dense breast tissue can make it harder to evaluate the results of your mammogram and may also be associated with an increased risk of breast cancer. This information about the results of your mammogram is given to you to raise your awareness and to inform your conversations with your doctor. Together, you can decide which screening options are right for you. A report of your results was sent to your physician."

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: Although some women may know about dense breast tissue, not all do. This bill is about ensuring a conversation about density happens between women and their doctors. Eleven other states have enacted similar legislation. Cancerous lumps may not be detected in a mammogram because of dense breast tissue. Only mammograms can show whether a woman has dense breasts. Dense breast tissue is a predictor of breast cancer. Advanced Registered Nurse Practitioners should be added to the bill to ensure the most women possible receive this information.

CON: The Washington State Medical Association (WSMA) has always opposed putting medical practice in statute. There is no scientific evidence that dense breast tissue is a risk factor for higher risk of breast cancer. This bill will cause providers to order ultrasounds for all their patients with dense breast tissue, even if unnecessary.

OTHER: The notification language will create patient confusion, anxiety, and fear because the information is conveyed out of context as an isolated factor. Providers should discuss density and other factors with patients.

**Persons Testifying:** PRO: Senator O'Ban, prime sponsor; Melissa Johnson, WA State Nurses Assn.; Kathy Vielhaber, citizen.

CON: Susie Tracy, WSMA.

OTHER: Dr. Gail Morgan, WA State Radiological Society; Brad Boswell, citizen.