

SENATE BILL NO. 458—COMMITTEE ON  
HEALTH AND HUMAN SERVICES

MARCH 23, 2015

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing notifications to patients regarding breast density. (BDR 40-979)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to mammography; revising the language of certain notices provided to patients who undergo mammography; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires that a patient who undergoes mammography must be  
2 given a notice which includes a report of the patient’s breast density and which may  
3 include, without limitation, a statement regarding the relationship between breast  
4 density, breast cancer and the impact of breast density on the effectiveness of  
5 mammography. (NRS 457.1857) Pursuant to existing law, the State Board of  
6 Health adopted a regulation prescribing the language of such a notification. (LCB  
7 File No. R100-13 which became effective on January 1, 2014) This bill provides  
8 new language which must be used in such notification if the report indicates that  
9 the breast tissue is dense.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 457.1857 is hereby amended to read as  
2 follows:

3 457.1857 1. If a patient undergoes mammography, the  
4 owner, lessee or other person responsible for the radiation machine  
5 for mammography that was used to perform the mammography  
6 must ensure that each report provided to the patient pursuant to 42  
7 U.S.C. § 263b(f)(1)(G)(ii)(IV) includes, without limitation, a  
8 statement of the category of the patient’s breast density which is  
9 determined based on the Breast Imaging Reporting and ~~[Database]~~



1 **Data** System or such other guidelines as required by the State Board  
2 of Health by regulation, and **, if applicable,** the notice ~~[prescribed by~~  
3 ~~the State Board of Health pursuant to]~~ **provided in** subsection 2.

4 2. ~~[The State Board of Health shall prescribe by regulation the~~  
5 ~~notice to be included in a report pursuant to subsection 1. The notice~~  
6 ~~must include:~~

7 ~~—(a) A statement regarding the benefits, risks and limitations of~~  
8 ~~mammograms;~~

9 ~~—(b) A description of factors that may affect the accuracy of a~~  
10 ~~mammogram, including, without limitation, the density of breast~~  
11 ~~tissue or the presence of breast implants;~~

12 ~~—(c) A statement that encourages the patient to discuss with his or~~  
13 ~~her provider of health care the patient’s specific risk factors for~~  
14 ~~developing breast cancer; and~~

15 ~~—(d) A statement that encourages the patient to discuss with his or~~  
16 ~~her provider of health care whether the patient should adjust his or~~  
17 ~~her schedule for mammograms or consider other appropriate~~  
18 ~~screening options as a result of the patient’s breast density.~~

19 ~~—3. The notice prescribed by regulation pursuant to subsection 2~~  
20 ~~may include, without limitation:~~

21 ~~—(a) A statement regarding the prevalence of dense breast tissue,~~  
22 ~~the relationship between breast density and breast cancer and the~~  
23 ~~manner in which breast density may change over time; and~~

24 ~~—(b) A description of the factors that affect the risk of developing~~  
25 ~~breast cancer.~~

26 ~~—4.] If the statement of the category of the patient’s breast~~  
27 ~~density which is provided pursuant to subsection 1 indicates that~~  
28 ~~the breast tissue is dense, the report described in subsection 1 must~~  
29 ~~also include a notice in the following form:~~

30  
31 *Your mammogram shows that your breast tissue is*  
32 *dense. Dense breast tissue is common and is not abnormal.*  
33 *However, dense breast tissue can make it harder to evaluate*  
34 *the results of your mammogram and may also be associated*  
35 *with an increased risk of breast cancer. This information*  
36 *about the results of your mammogram is given to you to*  
37 *raise your awareness and to inform your conversations with*  
38 *your physician. Together, you can decide which screening*  
39 *options are right for you. A report of your results was sent*  
40 *to your physician.*

41  
42 3. Nothing in this section shall be construed to:

43 (a) Create a duty of care or other legal obligation beyond the  
44 duty to provide the notice as set forth in this section.



1 (b) Require a notice to be provided to a patient that is  
2 inconsistent with the notice required by the provisions of 42 U.S.C.  
3 § 263b or any regulations promulgated pursuant thereto.  
4 **Sec. 2.** This act becomes effective on July 1, 2015.

