Mammograms are perhaps the best-known tool to detect breast cancer, but their effectiveness can be diminished if the breast tissue itself is dense enough to hide the tumors.

And this potential problem is fairly common: 40 percent of women age 40 and older have dense breasts, according to DenseBreast-info, an education and advocacy group for patients and practitioners.

Connecticut in 2009 became the first state to require practitioners to notify women that they have dense breast tissue and should consider following up with three-dimensional breast scans. (Starting this year, the state also requires insurance companies to cover 3-D mammograms.) Now, 27 U.S. states have such notification requirements in place, including Michigan, Minnesota, North Dakota and Ohio (as of January, North Dakota’s law was scheduled to sunset on July 31).

Wisconsin Rep. Mike Rohrkaste is now exploring the idea of trying to add his state to that list. While wary of overregulation, Rohrkaste says he’s interested to see whether the notification requirement would provide proper health care to state residents.

“I haven’t heard a strong, compelling argument against addressing it in some way,” says Rohrkaste, whose work on the issue began after he heard from a constituent. “From what I’ve seen so far, it’s definitely valid for states to consider putting forth legislation on this issue.”

A like-minded bill (LB 195, known as “Cheri’s Law”) already had been introduced in Nebraska in January. According to DenseBreast-info, two other Midwestern states — Illinois and Indiana — require some form of educational effort about dense breast tissue, but do not require the same sorts of notification. Under Indiana’s law, which took effect in July 1, imaging facilities must notify patients if it is determined that the patient has “an amount of breast and connective tissue in comparison to fat in the breast.” But, as DenseBreast-info points out, imaging facilities “are not required to make that determination. Further, all breasts have an amount of breast/connective tissue in comparison to fat.”

Illinois requires publication of a summary of methods for early detection and diagnosis of breast cancer, which must include the meaning and possible consequences of “dense breast tissue” under the American College of Radiology’s breast-imaging guidelines. The law also requires that if a routine mammogram finds dense tissue, insurance must then provide for a comprehensive ultrasound screening if a physician says it’s medically necessary.

Supporters of these notification laws say the information empowers women to discuss supplemental screening with their doctors. Critics say they might create anxiety and could lead to unnecessary treatments. Among the Midwestern states with notification requirements, Michigan and Ohio require specific language, while Minnesota and North Dakota do not.
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