

**As Reported by the Senate Medicaid, Health and Human Services
Committee**

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Sub. S. B. No. 54

Senators Kearney, Eklund

**Cosponsors: Senators Cafaro, Gentile, Smith, Sawyer, Tavares, Schiavoni,
Turner, Lehner, Jones**

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A B I L L

To enact section 3702.40 of the Revised Code to 1
require a mammography facility to include certain 2
information in the mammography report summary sent 3
to a patient under federal law if the patient's 4
mammogram demonstrates the presence of dense 5
breast tissue. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3702.40 of the Revised Code be 7
enacted to read as follows: 8

Sec. 3702.40. (A) As used in this section, "mammogram" and 9
"facility" have the same meanings as in section 263b(a) of the 10
"Mammography Quality Standards Act of 1992," 106 Stat. 3547 11
(1992), 42 U.S.C. 263b(a), as amended. 12

(B) As required by 21 C.F.R. 900.12(c)(2), a facility shall 13
send to each patient who has a mammogram at the facility a summary 14
of the written report containing the results of the patient's 15
mammogram. If, based on the breast imaging reporting and data 16
system established by the American college of radiology, the 17

patient's mammogram demonstrates that the patient has dense breast tissue, the summary shall include the following statement: 18
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"Your mammogram demonstrates that you have dense breast tissue, which could hide abnormalities. Dense breast tissue, in and of itself, is a relatively common condition. Therefore, this information is not provided to cause undue concern; rather, it is to raise your awareness and promote discussion with your health care provider regarding the presence of dense breast tissue in addition to other risk factors." 20
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As required by 21 C.F.R. 900.12(c)(3), the facility shall send to the patient's health care provider, if known, a copy of the written report containing the results of the patient's mammogram not later than thirty days after the mammogram was performed. 27
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(C) This section does not do either of the following: 32

(1) Create a new cause of action or substantive legal right against a person, facility, or other entity. 33
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(2) Create a standard of care, obligation, or duty for a person, facility, or other entity that would provide the basis for a cause of action or substantive legal right, other than the duty to send the summary and written report described in division (B) of this section. 35
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