

PROPOSED REGULATIONS – RADIATION CONTROL PROGRAM

RADIATION CONTROL PROGRAM
Division of Public and Behavioral Health
675 Fairview Drive, Suite 218
Carson City, Nevada 89701

August 27, 2013

AB147 Mammography Dense Breast Reporting and Notification
Nevada Administrative Code 457

KEY

Newly added

~~Newly Redacted~~

PROPOSED REGULATIONS – RADIATION CONTROL PROGRAM

SECTION 1

NAC 459.313 is hereby amended to read as following:

NAC 457.313 Preliminary interpretation and reports of mammograms; standards for mammography records and reports. (NRS 457.065) The operator of a facility shall ensure that:

1. Each mammogram has a preliminary interpretation not later than 7 working days after the mammogram is performed;

2. For each mammogram that indicates cancerous or potentially cancerous tissue, the responsible provider of care of the patient is contacted at the time the preliminary interpretation is complete;

3. For each mammogram that otherwise indicates the need for additional workup or evaluation which prevents the written report from being sent to the responsible provider of care of the patient within 7 working days, the responsible provider of care is contacted at the time the preliminary interpretation is complete; ~~and~~

4. For Dense Breast Reporting, each patient undergoing mammography will be provided with a report pursuant to 42 U.S.C. 263(f)(1)(G)(ii)(IV) which includes, without limitation, a statement of the category of the patient's breast density which is determined based on the Breast Imaging Reporting and Database System or such other guidelines as may be required by the State Board of Health by regulation, and the notice prescribed by the State Board of Health.

(a) The owner, lessee or other person responsible for the radiation machine for mammography that was used is responsible for this notice.

(b) The notice must include:

- (1) A statement regarding the benefits, risks and limitations of mammograms;
- (2) A description of factors that may affect the accuracy of a mammogram, including, without limitation, the density of breast tissue or the presence of breast implants;
- (3) A statement that encourages the patient to discuss with his or her provider of health care the patient's specific risk factors for developing breast cancer; and
- (4) A statement that encourages the patient to discuss with his or her provider of health care whether the patient should adjust his or her schedule for mammograms or consider other appropriate screening options as a result of the patient's breast density.

(c) The notice pursuant to section (2) may include, without limitation:

- (1) A statement regarding the prevalence of dense breast tissue, the relationship between breast density; breast cancer and the manner in which breast density may change over time;
- (2) A description of the factors that affect the risk of developing breast cancer; and
- (3) A statement that emphasizes other optional investigational tools such as ultrasound and MRI are only adjunct and are not primary for diagnosis.

(d) Nothing in this section shall be construed to:

- (1) Create a duty of care or other legal obligation beyond the duty to provide the notice as set forth in this section;
- (2) Require a notice to be provided to a patient that is inconsistent with the notice required by the provisions of 42 U.S.C. 263b or any regulations promulgated pursuant thereto; and
- (3) Impinge on medical judgment or the patient physician relationship or imply or compel the ordering of additional testing and modalities; such testing should be done only after a risk assessment between the physician and patient. No such testing should be done that may provide false relief to the patient.

~~[4.]~~ 5. Mammography records and reports comply with the provisions of 21 C.F.R. § 900.12.