



February 19, 2014

**NEW LAW FOR COVERAGE AND REPORTING
REQUIREMENTS FOR MAMMOGRAMS**

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On January 22, 2014, Governor Chris Christie signed into law a bill that requires insurance coverage for certain mammography screenings and reporting requirements for providers of mammography services.

Specifically, the law: (1) requires insurance companies to cover certain screenings; (2) requires physicians to provide information to certain patients regarding breast density; and (3) requires study of breast cancer risk factors. Additionally, relevant to facilities providing mammography services, the law also requires that providers must distribute to patients a notice regarding their results from the screenings.

Originally, the proposed bill would have required specific reporting only to those patients who presented with high breast density, similar to laws that have been enacted in other states. However, as passed, the law requires a blanket notice to all patients that undergo screenings and to their referring health care providers.

The law states, in pertinent part:

A facility that provides a mammography report pursuant to the federal Mammography Quality Standards Act 42 U.S.C. s263b, shall include the following information, at a minimum, in the mammography report sent to the patient and the patient's health care provider: Your mammogram may show that you have dense breast tissue as determined by the Breast Imaging Reporting and Data System established by the American College of Radiology. Dense breast tissue is very common and is not abnormal. However, in some cases, dense breast tissue can make it harder to find cancer on a mammogram and may also be associated with a risk factor for breast cancer. Discuss this and other risks for breast cancer that pertain to your personal medical history with your health care provider. A report of your results was sent to your health care provider. You may also find more information about breast density at the website of the American College of Radiology. www.acr.org.

2014 N.J. S.B. 769 (An Act concerning mammograms, amending P.L. 1991, c.279 and P.L. 2004, c. 86 and supplementing Title 26 of the Revised Statutes.)

The law shall take effect on May 1, 2014. Administrative action may be taken by the Commissioner of Banking and Insurance and the Commissioner of Health to implement the notification requirements. As such, facilities that provide such reporting in New Jersey should look at their current policies, procedures and form of notice to ensure compliance with this new notice requirement. Should you have any questions regarding the new law, or require assistance with complying with it, you may contact one of the health care attorneys at Schenck, Price, Smith & King, LLP.

DISCLAIMER: This Client Alert is designed to keep you aware of recent developments in the law. It is not intended to be legal advice, which can only be given after the attorney understands the facts of a particular matter and the goals of the client. If someone you know would like to receive this Legal Alert, please send a message to either Brian M. Foley, Esq. Chairman of Schenck, Price, Smith & King’s Health Care Practice Group at bmf@spsk.com, or Sharmila D. Jaipersaud, Esq., an associate in the Health Care Practice Group at sdj@spsk.com.

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