Breast Density Notification Legislation

What is breast density notification legislation?

Breast density notification legislation requires imaging programs to inform women if they have dense breast tissue, a risk factor for breast cancer that might affect the accuracy of mammography screening. One study found that 47% of women aged 40-74 years old have dense breast tissue. These laws are intended to increase transparency for patients and improve access to alternative screening.

As of July 2017, 32 states have passed breast density notification laws. These typically require a letter be sent to the patient informing them about dense breast tissue. However, requirements for the letter contents, as well as who receives letters, vary between states. Several states have paired notification laws with coverage provisions that require payers to provide coverage for alternative screenings for women with dense breasts.

Why is breast density notification legislation a key issue for imaging?

- More than half of all states (35) have passed density notification legislation: Several additional states are working on or have introduced bills to state legislature. It is likely that more notification legislation will pass in the near future
- Legislation may lead to changes in breast screening utilization: Some notification requirements include recommended additional screenings, including breast MRI or ultrasound. Especially when paired with coverage requirements, density notification requirements can lead to women to seek out these alternative screening modalities
- Density notification is part of a population health management strategy, ensuring women receive necessary screenings: Density notification allows women to have informed conversations with physicians about alternative screenings that may better detect breast cancer in women with dense breast tissue. This early detection reduces total costs of care and increasing survival outcomes

Breast density notification legislation overview

<table>
<thead>
<tr>
<th>States with enacted legislation</th>
<th>States with breast screening coverage requirements</th>
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How can imaging leaders respond to breast density notification legislation?

- Understand current or potential state requirements: Imaging leaders in states with adopted legislation should investigate and discuss the language required with senior leadership and radiologists. Those in states without adopted legislation should consider changes necessary to accommodate new notification requirements and opportunities to proactively adopt policies.
- Consider alternatives to obscure and vague language: If legislation only requires vague language sent to all women, imaging leaders should consider proactively modifying these letters, or offering face-to-face discussions to provide more helpful feedback to women.
- Prepare to capture volumes in alternative forms of breast screening: Especially in those states with coverage provisions, density notification can lead to increases in breast ultrasound and MRI as women seek out these alternative forms of screening that may better detect cancer in dense breast tissue.

1) Digital Imaging and Communications in Medicine.
Adoption of breast density notification legislation in the United States

Legislation lacks uniformity, three common models

1. **Letter to all mammography patients**
   - Often uses vague language, does not clearly indicate if patient has dense breast tissue or appropriate next steps.

2. **Letter to patients with all levels of dense breast tissue**
   - Notifies patient if they have dense breast tissue with specific density category, recommends next steps.

3. **Letter to patients with extremely dense breast tissue**
   - Provides guidance to patients with extremely dense tissue, but no required notification to other levels of breast density.

Density legislation can impact screening volumes when paired with coverage provision

**Change in breast imaging volumes after New Jersey breast density law** including coverage provision

- **Screening DBT:** +496%
- **Screening ultrasound:** +651%
- **Total Breast MRI:** +59%