

September 16, 2011

The Honorable Edmund G. Brown, Jr.
Governor of California
State Capitol, First Floor
Sacramento, CA 95814

Re: Senate Bill 791 – Dense Breast Tissue Notice

Dear Governor Brown:

This letter is to respectfully request your signature on Senate Bill 791 (SB 791) which would provide patients with important information about their own physiology.

Senate Bill 791 is about a patient's right to know. It takes advantage of existing law and addresses gaps in the current reporting requirements that were intended to make sure the patient is informed.

Federal law requires that a radiologist characterize breast density when performing a mammography examination and report the density to the referring physician. Additionally, federal law requires that a radiologist send a "lay" letter to the patient informing them of the results of the examination.

Senate Bill 791 simply requires that, for patients with dense breast tissue, an additional two sentences be included in the federally required letter that a radiologist must send a patient after performing a mammogram:

“Because your mammogram demonstrates that you have dense breast tissue, which could hide small abnormalities, you might benefit from supplementary screening tests, depending on your individual risk factors. A report of your mammography results, which contains information about your breast density, has been sent to your physician’s office and you should contact your physician if you have any questions or concerns about this notice.”

These two sentences could save thousands of lives.

Here’s the problem given existing practice: Dense breast tissue shows up as white on a mammogram. Cancer shows up as white on a mammogram. The result is that dense tissue significantly obscures cancer detection on a mammogram. It’s like finding a snowflake in a blizzard.

In fact, the National Cancer Institute has said “the main cause of false-negative results [in screening mammograms] is high breast density.” And a 2002 study in the Journal of Radiology concluded that “Mammographic sensitivity for breast cancer declines significantly with increasing breast density...”

A January 2011 study by the Mayo Clinic found that 75 percent of cancer is missed in women with high dense breast tissue by mammography alone. A study in the Journal of the National Cancer Institute found the ability of a mammogram to detect cancer in women with dense breasts was 30 percent; i.e., a 70 percent failure rate.

Compounding the problem is the fact that under today’s practice a patient with high breast density is typically told that the results of her mammography are “normal” when the reality is they are inconclusive. The notice provided is at best incomplete, at worst misleading and potentially life threatening.

Patient information is a key to successful health outcomes. The patient is her own best advocate. She cannot be an effective advocate if she is not informed.

However, according to a May 2010 national survey conducted by Harris Interactive 95 percent of women do not know their breast density, and less than one in 10 doctors are informing patients about breast density.

The American College of Radiology has said “If a woman has dense breasts, she should talk with her doctor about other breast cancer risk factors and about the benefits and risks associated with a screening ultrasound.” Which raises the obvious question: How will a patient know she should have that conversation unless she is told she has dense breast tissue? Senate Bill 791 answers that question.

Throughout the course of the Legislative process there was no debate whatsoever that breast density inhibits the ability of a mammogram to detect cancer that is present. Moreover, even opponents acknowledged that breast density increases the risk of developing cancer (only the extent of the additional risk was debated).

The bill received strong bi-partisan support in the Legislature passing out of the Senate 35-1 and out of the Assembly 66-6. Amendments were taken that removed opposition from the California Radiological Society and the California Association of Physician Groups.

The bill is supported by:

- California Association of Health Underwriters
- California Nurses Association
- Association of Women’s Health Obstetric and Neonatal Nurses
- Breast Cancer Fund
- California National Organization for Women
- Ravenswood Family Health Center
- Democratic Activists for Women Now (DAWN)
- California Communities United Institute
- Shelia R. Veloz Breast Imaging Center at Henry Mayo Newhall Memorial Hospital

Apart from the two sentence notice requirement, SB 791 contains no mandate. Legislative Counsel keyed the bill non-fiscal. The California Health Benefits Review Program (CHBRP) found that the bill “would not expand benefit coverage for breast cancer screening” and that there is no cost associated with the measure in its review of a previous version of the bill.

I respectfully request your signature on Senate Bill 791.

Sincerely,

S. Joseph Simitian
State Senator, Eleventh District

cc: Nancy McFadden, Executive Secretary
Gareth Elliott, Legislative Affairs Secretary
Lark Park, Deputy Legislative Secretary

SJS: RO September 16, 2011