

## Texas H.B. 2102 - Henda's Law

Texas H.B. 2102, known as Henda's Law, became effective September 1, 2011, but mammography facilities are not required to comply with the requirements of this law until **January 1, 2012**. This gives mammography facilities four months to formulate and implement a plan.

If you have questions/comments regarding Henda's Law, please post a comment below.

### Highlights of Henda's Law:

1. The law states that the following information is to be conveyed (verbatim) by the mammography facility to each woman on completion of a mammogram in Texas:

“If your mammogram demonstrates that you have dense breast tissue, which could hide abnormalities, and you have other risk factors for breast cancer that have been identified, you might benefit from supplemental screening tests that may be suggested by your ordering physician.

Dense breast tissue, in and of itself, is a relatively common condition. Therefore, this information is not provided to cause undue concern, but rather to raise your awareness and to promote discussion with your physician regarding the presence of other risk factors, in addition to dense breast tissue.

A report of your mammogram results will be sent to you and your physician. You should contact your physician if you have any questions or concerns regarding this report.”

2. The onus of providing the notice falls on the mammography facility, not with the physician. The ownership of the facility by a physician or physician group does not exempt the facility from the obligation.

3. The goal is to inform a woman, so she is aware of her breast density and can thus have the opportunity to be proactive in her health care, if she so desires. This includes both screening and diagnostic examinations.

4. The law leaves it to the woman to speak with her personal physician regarding the need and appropriateness of additional screening.

### What Henda's Law Requires that the Mammography Facility Do:

1. On completion of a mammogram, a mammography facility shall provide to the patient the above notice exactly as listed. The notice cannot be modified in any manner

2. How the information is provided to your patient is up to the facility. It may take any of several forms:

a. Post the information in each mammography room as a poster

b. Have the information printed on an 8 ½ x 11 paper to give to the patient at the time of her visit. This flyer can be either laminated (reusable) or not.

**Note:**

1. It would be prudent to document on the patient intake sheet that the information has been provided to the patient, and that the patient has read the information.
2. Some sites are choosing to add *optional* language that explains breast density, such as “based on your mammogram you <do/do not> have dense breast tissue.” Your reporting software might be able to extrapolate the 1s and 2s versus the 3s and 4s, and plug that in automatically.
3. The obligation to provide the notice rests with the facility as do the protections in (b) and (c) of the bill. Therefore, if a physician (not the facility) elects to provide the notice in addition to the facility’s notice obligation, it would be best to seek advice from your attorney or legal counsel before undertaking a different approach or an additional approach than what is required in the bill.

**What Henda's Law Does NOT Require:**

1. Although the breast density grade is typically included in the mammography report, the law does not require a mammography facility to provide supplemental screening for those women who choose to undergo such tests. If a physician or facility doing the mammogram does not feel comfortable with doing supplemental screening such as whole breast sonography or MRI, the woman can be referred to one that does - possibly a full service regional breast center.
2. The law does not require the mammography provider to directly inform a woman of her risk factors or other information by which she may determine her eligibility for supplemental screening, and whether such screening would be appropriate in her particular case. It leaves these tasks to her personal physician, who might find this unduly burdensome and would probably welcome your assistance in this matter.