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From: David M. Howe, Program Director 

To: Healthcare Facilities Providing Mammography Services

Informational Bulletin 2014-04

During the 2013 legislative session, Senate Bill 420 was passed which established Oregon Administrative Rule (OAR) to direct health care facilities providing mammography services to issue a Dense Breast Notification advisement in the form prescribed by the Oregon Health Authority.

After rule filing of (OAR) 333-106-0735, titled Breast Density Notification, written comments were received by Radiation Protection Services requesting the Authority to reevaluate the language both within the rule and in the notification statement.

The Dense Breast Tissue Notification Rulemaking Committee was reconvened on July 30, 2014 to determine if language within the OAR should be amended. The current rule allows for the radiologist to determine if the patient having heterogeneous breast tissue should receive the notification. The Dense Breast Tissue Notification Committee has made the following recommendations. In section (2) of OAR 333-106-0735, it is proposed to amend the rule directing the facility to issue the Dense Breast Notification statement to all patients with dense breast tissue and heterogeneous dense breast tissue. The proposed rule amendment reads:

Underlined text is being added. ~~Strikethrough text~~ is being deleted

(2) In all cases where a mammogram shows a patient having ~~has~~ extremely dense breast tissue or heterogeneous dense breast tissue density, the facility shall incorporate the following notification within the lay summary mammography report provided to the patient: ~~When a mammogram shows a patient has heterogeneous breast density, the decision of whether or not to incorporate the patient notification is left to the interpreting radiologist's discretion:~~

The Dense Breast Rulemaking committee also evaluated the notification statement and determined that proposed amendments within the notification were necessary to better communicate the information to the lay person. The proposed notification amendment reads:

DENSE BREAST TISSUE NOTIFICATION

Your mammogram shows that your breast tissue is dense. ~~For most women, breast density decreases with age, but in some women, there is little change.~~ Dense breast tissue is common and is not abnormal. However, dense breast tissue can make it harder to evaluate the results of your ~~find cancer on a~~ mammogram and may also be associated with an increased risk of breast cancer. This information about the results of your mammogram is given ~~provided to you by Oregon State Law~~ to raise your awareness and to promote discussion with your health care provider, ~~about your own risk for breast cancer.~~ Together, you can decide if you may benefit from further screening, ~~if additional breast imaging tests such as a breast ultrasound, Magnetic Resonance Imaging (MRI) or Breast Specific Gamma Imaging (BSGI)~~

~~would be beneficial based on your risk factors and physical examinations.~~ A report of your results was sent to your health care provider.

You are being invited to review and comment on the proposed rules. **If you wish to present oral testimony, a public hearing will be held in Portland, Oregon at 800 NE Oregon St, Room 221, on November 19, 2014 at 11:00 a.m. You may also file written comments before 5:00 p.m. on November 24, 2014** by submitting them to the Public Health Division Rules Coordinator at the following address:

OHA, Public Health Division  
Brittany Sande, Administrative Rules Coordinator  
800 NE Oregon Street, Suite 930  
Portland, Oregon 97232

E-mail comments to: [Brittany.a.sande@state.or.us](mailto:Brittany.a.sande@state.or.us); or you may also send comments by fax to (971) 673-1299.

Final rules will be filed after consideration of all comments.

For more details, please see the Notice of Proposed Rulemaking, Statement of Need and Fiscal Impact, and the full text of the proposed rules at the following website:

<https://public.health.oregon.gov/HealthyEnvironments/RadiationProtection/Pages/proposedchanges.aspx>

If you have any questions or would prefer a hardcopy be sent, please contact

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*The Oregon Health Authority, Radiation Protection Services (RPS) is charged with protecting the health and safety of Oregonians from unnecessary exposure to radiation. RPS Regulation, Inspection, Registration and Emergency Response programs are funded through registration and licensing fees. Thus, payment of your registration fees has a direct impact on our ability to protect the health of Oregonians.*