Breast cancer bill again in the works

Simitian seeks help from Brown on health measure

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SACRAMENTO — Legislation that would require physicians to alert women who might have a breast cancer risk masked by mammograms is back in the Legislature, six months after Gov. Jerry Brown vetoed it.

Sen. Joe Simitian, D-Palo Alto, the sponsor of SB 1588, said new data from Connecticut should persuade Brown and members of the medical community to drop their opposition. Connecticut, which requires physicians to inform women they have a condition known as dense breast tissue, has doubled early detection of cancer since the law took effect in 2009.

"We know that there's a causal relationship between providing notice and early detection," Simitian said. "When you can double your rate of early detection with a simple two-sentence notice, you're onto something very powerful. That's a very hard case to argue against."

In his veto message in October, Brown suggested that a change in language that made it less prescriptive and more informational gave Simitian hope that he could work with the governor. Simitian has yet to adjust the language in his bill but said he's working with the governor's office.

Brown said Wednesday that there's hope for the bill. "I think they're going to change it a little bit, the warning," the governor said. "I think there's a way to get there."

Under the legislation, physicians would be required to notify women with dense breast tissue and inform them that further screening, through an ultrasound or MRI, might be recommended. About 40 percent of women have the condition.

Medical groups that had opposed the bill last year remain skeptical.

"Obviously, we have the same concerns as we had with the exact same language," said Molly Weedin, spokeswoman for the California Medical Association. "One of our biggest concerns is there isn't a standard of care regarding breast density risk. There isn't data to show what kind of risk factor breast density is on a stand-alone basis."

When cancer is detected early, the prognosis for survival is much higher, the required treatment is less brutal, there's less suffering and the cost of treatment is drastically reduced, said Amy Colton, a registered nurse and breast cancer survivor.

Highly dense breast tissue dramatically reduces the ability of mammograms to detect cancer, Colton said, and supplemental screening such as MRIs or ultrasounds could help with diagnoses.

Colton brought the issue to Simitian last year after her own experience of finding out while being treated for late-stage cancer that her physician and radiologist knew early on — but didn't tell her — that she had dense breast tissue that had been masked by mammograms for seven years.

"This is a grave injustice for any woman to find out she has dense breast tissue after she's been diagnosed with breast cancer," said Colton, who lives in Santa Cruz. "The time for women to know this information is now. It may seem like a small piece of information but ... it is potentially lifesaving. It is critical information."

Judy Dean, a diagnostic radiologist, said that in her small Santa Barbara practice, more than 30 patients since 2005 were able to detect early invasive cancer because they'd been notified that they had dense breast tissue.

"Notification of women is an excellent way to start an appropriate discussion between patients and health-care providers and will ultimately result in earlier detection of breast cancer and save lives," Dean said.
Early detection — a bill to save lives

The message that mammograms save lives has resulted in an increase in early detection of breast cancer. But for 40 percent of women who get mammograms, the technology might not detect early-stage cancer because their dense breast tissue masks the cancer cells. Most women do not know whether they have dense breast tissue and that, if they do, they should seek alternatives to mammography, such as ultrasound or MRI screenings.

That’s why state Sen. Joe Simitian, D-Palo Alto, has reintroduced legislation to require physicians to inform their patients if they have highly dense breast tissue. Simitian’s bill passed last year with broad bipartisan support, but Gov. Jerry Brown vetoed it.

In his veto message, the governor asked that two sentences the bill required to be added to the letter radiologists must send patients “be more carefully crafted, with words that educate more than they prescribe.”

Since then, Connecticut has reported the results of a similar law there: a 100 percent increase in early breast cancer detections.

Simitian is so convinced of the human and cost savings in early detection that would result from this legislation that he has reintroduced it, this time with 70 co-authors, requiring the same two sentences.

Knowledge can save lives. Simitian is right to bring back the bill for a second try.
As we see it

Simitian bill would save women’s lives

Law would mandate notification of dense breast tissue risk

Give state Sen. Joe Simitian credit — if he believes in an issue, he won’t give up, no matter the legislative hurdles.

Simitian, who is terming out of office this year and is running for Santa Clara County supervisor, has brought back a bill that would require doctors to alert women who have a breast cancer risk because their dense breast tissue is undetected by mammograms.

The Palo Alto Democrat’s earlier bill was vetoed last year by Gov. Jerry Brown even though the vast majority of lawmakers in both the state Assembly and Senate supported it.

Brown said he didn’t like the language of the proposed law. It was also opposed by the California Medical Association, which said it would drive up health care costs.

In his veto, Brown suggested he might support the bill if the language was more education-oriented.

Simitian’s reintroduction of the bill, SB 1538, should once again find overwhelming support in the Legislature. This time, the governor should sign it.

Although the CMA still opposes the bill, saying there isn’t data to show the risk factor of breast density by itself, Simitian has new data this time around from Connecticut, which already requires physicians to inform women if they are found to have dense breasts, which can be a precursor to breast cancer. The Connecticut law was approved in 2009 and has doubled early detection. As for health care costs, Simitian notes that it is 14 times more expensive to treat advanced breast cancer than requiring doctors to alert women about their increased risk — and that there is a direct relationship between providing this notice and early detection. About 40 percent of women have dense breast tissue.

Soquel resident Amy Colton deserves much of the credit for the proposed law. Colton, who has written an op-ed for the Sentinel on why dense breast tissue should be disclosed, is a breast cancer survivor and nurse. She won Simitian’s “There Ought to Be a Law” contest last year by proposing doctors be required to disclose the condition. Colton knows what she’s talking about: she was diagnosed with advanced breast cancer even though she’d had regular mammograms for seven years that did not show the disease and even though her medical team knew she had dense breast tissue.

Before the governor makes a decision on the new bill, we hope he reads how leading cancer research organizations agree mammograms do not detect cancer in dense breasts. Moreover, radiologists have known for decades the higher the density a woman’s breasts, the more likely she will develop breast cancer.

About 1 in 8 women will develop breast cancer in their lifetime, and early detection can make all the difference. Unfortunately, about 95 percent of women ages 40 and over don’t know their breast density and nearly 90 percent have not been informed it increases the risk of developing breast cancer.

Ignorance is not bliss — it can cost a woman her life. Simitian should be commended for bringing back this bill — and this time the governor should sign it into law.
Gov. Jerry Brown has run out of reasons to veto Sen. Joe Simitian’s bill requiring full disclosure to women with dense breast tissue that their mammograms may be ineffective.

The governor bowed to pressure primarily from the California Medical Association last year and vetoed Simitian’s legislation. Brown objected to language requiring doctors to notify women about potential risks and the need for further screening. As we said at the time, good grief. Physicians informing their patients of a serious risk is a problem?

We encouraged Simitian to work on the wording of the bill and reintroduce it this year. He did just that, incorporating the very language suggested by the governor’s office and accomplishing the challenging task of getting both Republicans and Democrats on board. The Legislature passed SB 1538 without a single no vote, giving the governor until Sept. 30 to sign it into law. Few bills carry such a great chance to save women’s lives and reduce health care costs. Brown should make signing SB 1538 a top priority.

One out of eight women will develop breast cancer in her lifetime, according to the National Cancer Institute. Women who have extremely dense breast tissue have five times the risk of developing breast cancer as women with low-density tissue. Physicians know that most women have no idea whether they have high- or low-density tissue. They also know that both dense tissue and cancer appear white on mammograms, making it more difficult to give an accurate reading.

Simitian’s bill requires four steps for women receiving a mammogram: They must be told whether they have dense breast tissue. They must be informed that dense breast tissue is associated with an increased risk of breast cancer, and that dense breast tissue makes it more difficult for doctors to evaluate mammograms. They must be given literature about the results of their mammogram to inform their conversation with their doctor. And they must be told of additional screening options.

Four states — New York, Virginia, Texas and Connecticut — have enacted similar laws. Simitian notes that two studies of the law in Connecticut revealed a 100 percent increase in breast cancer detection rates in women with dense breast tissue who opted for additional screening. The $250 cost of the extra test is well worth the price, since late-stage cancer treatment generally costs nearly $500,000 per patient.

The California Medical Association has dropped its opposition. More importantly, the California Radiological Society — made up of the doctors who know more than anyone else about mammogram tests — is supporting the legislation. So are the California Nurses Association, Planned Parenthood affiliates of California and Susan G. Komen For the Cure.

Every woman in California who has a mammogram should ask her doctor whether she has dense breast tissue. But Brown should sign Simitian’s bill to protect the lives of those who don’t.
Law requires doctors to warn women with dense breast tissue

By Sharon Noguchi

Gov. Jerry Brown on Saturday signed a bill by Sen. Joe Simitian requiring extra warnings for the 40 percent of women over the age of 40 who have breast tissue dense enough to mask cancers on mammograms.

Last year, Brown had vetoed a similar bill, expressing doubts about whether the warnings were what he termed "a path to greater knowledge or unnecessary anxiety." Since then Simitian amended the bill to make it acceptable to the governor.

"I'm tremendously thankful for the governor's support of this measure and for his willingness to listen to and work with us on this issue over the past year," Simitian, D-Palo Alto, said in a statement.

Under the legislation, physicians will be required to notify women with dense breast tissue and inform them that further screening, through an ultrasound or MRI, might be recommended.

Senate Bill 1538 also requires that a range of screening options be made available.

The idea for the bill came from Amy Colton, a Santa Cruz resident, registered nurse and cancer survivor. She had proposed it in 2011 in Simitian's annual "There Oughta Be A Law" contest.

In routine mammograms, Colton was never informed that her breast density could hide cancers and only learned that after treatment for breast cancer.

"This is about a patient's right to know," Simitian said. "Patients with dense breast tissue need to know that it can hide a cancer, and that additional screening options are available. Early detection is the key."

Connecticut, which requires physicians to inform women they have a condition known as dense breast tissue, has doubled early detection of cancer since the law took effect in 2008.

Over two years, Colton traveled to Sacramento to testify in support of the bill.

"With his signature, the governor also took action to address provider shortages statewide by allowing RNs to work to the full extent of their scope and training," said Julie Rabenovitz, head of the California Family Health Council. "This is especially important in our changing health care landscape."

The Associated Press contributed to this report.

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