

SB3547



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3547

Introduced 2/9/2024, by Sen. Suzy Glowiak Hilton

SYNOPSIS AS INTRODUCED:

20 ILCS 2310/2310-345
420 ILCS 40/5

was 20 ILCS 2310/55.49
from Ch. 111 1/2, par. 210-5

Amends the Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois. Deletes, from a provision concerning breast cancer-related educational materials that are to be prepared by the Department of Public Health, language recommending clinical breast exams as a method for detecting breast cancer. Amends the Radiation Protect Act of 1990. Requires mammography patients to receive the educational materials developed by the Department of Public Health. Effective immediately.

LRB103 38313 CES 68448 b

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by changing Section 2310-345 as follows:

7 (20 ILCS 2310/2310-345) (was 20 ILCS 2310/55.49)

8 Sec. 2310-345. Breast cancer; written summary regarding
9 early detection and treatment.

10 (a) From funds made available for this purpose, the
11 Department shall publish, in layman's language, a standardized
12 written summary outlining methods for the early detection and
13 diagnosis of breast cancer. The summary shall include
14 recommended guidelines for screening and detection of breast
15 cancer through the use of techniques that shall include but
16 not be limited to self-examination, ~~clinical breast exams,~~ and
17 diagnostic radiology.

18 (b) The summary shall also suggest that women seek
19 mammography services from facilities that are certified to
20 perform mammography as required by the federal Mammography
21 Quality Standards Act of 1992.

22 (c) The summary shall also include the medically viable
23 alternative methods for the treatment of breast cancer,

1 including, but not limited to, hormonal, radiological,
2 chemotherapeutic, or surgical treatments or combinations
3 thereof. The summary shall contain information on breast
4 reconstructive surgery, including, but not limited to, the use
5 of breast implants and their side effects. The summary shall
6 inform the patient of the advantages, disadvantages, risks,
7 and dangers of the various procedures. The summary shall
8 include (i) a statement that mammography is the most accurate
9 method for making an early detection of breast cancer,
10 however, no diagnostic tool is 100% effective, and (ii) ~~the~~
11 ~~benefits of clinical breast exams, and (iii)~~ instructions for
12 performing breast self-examination and a statement that it is
13 important to perform a breast self-examination monthly.

14 (c-5) The summary shall specifically address the benefits
15 of early detection and review the clinical standard
16 recommendations by the Centers for Disease Control and
17 Prevention and the American Cancer Society for mammography,
18 ~~clinical breast exams,~~ and breast self-exams.

19 ~~(c-10) The summary shall also inform individuals that~~
20 ~~public and private insurance providers shall pay for clinical~~
21 ~~breast exams as part of an exam, as indicated by guidelines of~~
22 ~~practice.~~

23 (c-15) The summary shall also inform individuals, in
24 layman's terms, of the meaning and consequences of "dense
25 breast tissue" under the guidelines of the Breast Imaging
26 Reporting and Data System of the American College of Radiology

1 and potential recommended follow-up tests or studies.

2 (d) In developing the summary, the Department shall
3 consult with the Advisory Board of Cancer Control, the
4 Illinois State Medical Society and consumer groups. The
5 summary shall be updated by the Department every 2 years.

6 (e) The summaries shall additionally be translated into
7 Spanish, and the Department shall conduct a public information
8 campaign to distribute the summaries to the Hispanic women of
9 this State in order to inform them of the importance of early
10 detection and mammograms.

11 (f) The Department shall distribute the summary to
12 hospitals, public health centers, physicians, and other health
13 care professionals who are likely to perform or order
14 diagnostic tests for breast disease or treat breast cancer by
15 surgical or other medical methods. Those hospitals, public
16 health centers, physicians, and other health care
17 professionals shall make the summaries available to the
18 public. The Department shall also distribute the summaries to
19 any person, organization, or other interested parties upon
20 request. The summaries may be duplicated by any person,
21 provided the copies are identical to the current summary
22 prepared by the Department.

23 (g) The summary shall display, on the inside of its cover,
24 printed in capital letters, in bold face type, the following
25 paragraph:

26 "The information contained in this brochure regarding

1 recommendations for early detection and diagnosis of breast
2 disease and alternative breast disease treatments is only for
3 the purpose of assisting you, the patient, in understanding
4 the medical information and advice offered by your physician.
5 This brochure cannot serve as a substitute for the sound
6 professional advice of your physician. The availability of
7 this brochure or the information contained within is not
8 intended to alter, in any way, the existing physician-patient
9 relationship, nor the existing professional obligations of
10 your physician in the delivery of medical services to you, the
11 patient."

12 (h) The summary shall be updated when necessary.

13 (Source: P.A. 98-502, eff. 1-1-14; 98-886, eff. 1-1-15;
14 99-581, eff. 1-1-17.)

15 Section 10. The Radiation Protection Act of 1990 is
16 amended by changing Section 5 as follows:

17 (420 ILCS 40/5) (from Ch. 111 1/2, par. 210-5)

18 (Section scheduled to be repealed on January 1, 2027)

19 Sec. 5. Limitations on application of radiation to human
20 beings and requirements for radiation installation operators
21 providing mammography services.

22 (a) No person shall intentionally administer radiation to
23 a human being unless such person is licensed to practice a
24 treatment of human ailments by virtue of the Illinois Medical,

1 Dental or Podiatric Medical Practice Acts, or, as physician
2 assistant, advanced practice registered nurse, technician,
3 nurse, or other assistant, is acting under the supervision,
4 prescription or direction of such licensed person. However, no
5 such physician assistant, advanced practice registered nurse,
6 technician, nurse, or other assistant acting under the
7 supervision of a person licensed under the Medical Practice
8 Act of 1987, shall administer radiation to human beings unless
9 accredited by the Agency, except that persons enrolled in a
10 course of education approved by the Agency may apply ionizing
11 radiation to human beings as required by their course of study
12 when under the direct supervision of a person licensed under
13 the Medical Practice Act of 1987. No person authorized by this
14 Section to apply ionizing radiation shall apply such radiation
15 except to those parts of the human body specified in the Act
16 under which such person or his supervisor is licensed. No
17 person may operate a radiation installation where ionizing
18 radiation is administered to human beings unless all persons
19 who administer ionizing radiation in that radiation
20 installation are licensed, accredited, or exempted in
21 accordance with this Section. Nothing in this Section shall be
22 deemed to relieve a person from complying with the provisions
23 of Section 10.

24 (b) In addition, no person shall provide mammography
25 services unless all of the following requirements are met:

26 (1) the mammography procedures are performed using a

1 radiation machine that is specifically designed for
2 mammography;

3 (2) the mammography procedures are performed using a
4 radiation machine that is used solely for performing
5 mammography procedures;

6 (3) the mammography procedures are performed using
7 equipment that has been subjected to a quality assurance
8 program that satisfies quality assurance requirements
9 which the Agency shall establish by rule;

10 (4) beginning one year after the effective date of
11 this amendatory Act of 1991, if the mammography procedure
12 is performed by a radiologic technologist, that
13 technologist, in addition to being accredited by the
14 Agency to perform radiography, has satisfied training
15 requirements specific to mammography, which the Agency
16 shall establish by rule.

17 (c) Every operator of a radiation installation at which
18 mammography services are provided shall ensure and have
19 confirmed by each mammography patient that the patient is
20 provided with a pamphlet prepared in accordance with Section
21 2310-345 of the Department of Public Health Powers and Duties
22 Law of the Civil Administrative Code of Illinois which is
23 orally reviewed with the patient ~~and which contains the~~
24 ~~following:~~

25 ~~(1) how to perform breast self-examination;~~

26 ~~(2) that early detection of breast cancer is maximized~~

1 ~~through a combined approach, using monthly breast~~
2 ~~self-examination, a thorough physical examination~~
3 ~~performed by a physician, and mammography performed at~~
4 ~~recommended intervals;~~

5 ~~(3) that mammography is the most accurate method for~~
6 ~~making an early detection of breast cancer, however, no~~
7 ~~diagnostic tool is 100% effective;~~

8 ~~(4) that if the patient is self-referred and does not~~
9 ~~have a primary care physician, or if the patient is~~
10 ~~unfamiliar with the breast examination procedures, that~~
11 ~~the patient has received information regarding public~~
12 ~~health services where she can obtain a breast examination~~
13 ~~and instructions.~~

14 (Source: P.A. 100-513, eff. 1-1-18.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.