AN ACT concerning

Breast Cancer Screening Program

FOR the purpose of requiring the Department of Health and Mental Hygiene to establish a Breast Cancer Screening Program; specifying that the Program is to be administered by the local health departments in a certain manner; specifying eligibility for the Program; requiring the Department to fund the Program; requiring the Department to adopt regulations and to work with certain interested parties to assure that breast cancer screening services are available to certain individuals; requiring that certain funds be allocated to the Program; requiring the Department to provide a certain report to the General Assembly by a certain date; defining certain terms; and generally relating to the Breast Cancer Screening Program.
WHEREAS, Approximately 3,400 Maryland women are stricken with breast cancer each year and approximately 800 of them die from the disease; and

WHEREAS, Early detection through mammography screening is by far the most important tool medical science has in fighting breast cancer; and

WHEREAS, A mammography screening program conducted by the Health Services Cost Review Commission for low-income underinsured and low-income uninsured women age 40 years and over, which detected an estimated 500 cases of breast cancer in nearly 4 years, expired on June 30, 1997 with no comprehensive replacement program in place for thousands of women who need mammograms, but cannot afford them; and

WHEREAS, There is a need to continue and expand on the existing federally funded U.S. Centers for Disease Control Breast and Cervical Cancer Screening Program in this State due to the expiration of the mammography screening program conducted by HSCRC; and

WHEREAS, The State of Maryland has conducted, for several years, a vigorous public campaign urging women to get their yearly mammograms; and

WHEREAS, The Maryland General Assembly believes women age 40 years and over should not be denied the opportunity to get a mammogram because of their lack of financial resources; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Health - General

20-116.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "BIENNIAL" MEANS ONCE EVERY OTHER YEAR.

(2) (3) "CLINICAL BREAST EXAMINATION" MEANS A BREAST EXAMINATION PERFORMED BY A HEALTH CARE PROFESSIONAL FOR THE PURPOSE OF DETECTING BREAST CANCER.
"ELIGIBLE INDIVIDUAL" MEANS AN INDIVIDUAL WHO IS ELIGIBLE TO RECEIVE BENEFITS UNDER THE PROGRAM IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION.

"MAMMOGRAM" MEANS AN X-RAY EXAMINATION OF THE BREAST USING DEDICATED EQUIPMENT, INCLUDING X-RAY TUBE, FILTER, COMPRESSION DEVICE, SCREENS, FILMS, AND CASSETTES, SPECIFICALLY FOR MAMMOGRAPHY THAT DELIVERS AN AVERAGE RADIATION EXPOSURE OF LESS THAN ONE RAD MID-BREAST WITH TWO VIEWS FOR EACH BREAST.

"PROGRAM" MEANS THE BREAST CANCER SCREENING PROGRAM.

(B) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, THE DEPARTMENT SHALL ESTABLISH A BREAST CANCER SCREENING PROGRAM.

(1) THE PURPOSE OF THE PROGRAM IS TO:

(I) PROVIDE AT LEAST AN ANNUAL BIENNIAL SCREENING MAMMOGRAMS AND CLINICAL BREAST EXAMINATIONS TO LOW-INCOME, UNDERINSURED AND LOW-INCOME, UNINSURED WOMEN AGED 40 YEARS AND OVER TO 49 YEARS; AND

(II) PROVIDE ANNUAL SCREENING MAMMOGRAMS AND CLINICAL BREAST EXAMINATIONS TO LOW-INCOME, UNDERINSURED AND LOW-INCOME, UNINSURED WOMEN AGED 50 YEARS AND OLDER; AND

(III) PROVIDE DIAGNOSIS AND TREATMENT FOR INDIVIDUALS WHO ARE IDENTIFIED BY THIS PROGRAM AS BEING IN NEED.

(C) THE DEPARTMENT SHALL ADMINISTER THE PROGRAM THROUGH THE LOCAL HEALTH DEPARTMENTS USING A GRANT PROGRAM UNDER WHICH A LOCAL HEALTH DEPARTMENT MAKES ARRANGEMENTS WITH HEALTH CARE FACILITIES TO PROVIDE ANNUAL BIENNIAL SCREENING MAMMOGRAMS AND CLINICAL BREAST EXAMINATIONS TO ELIGIBLE INDIVIDUALS.

(D) AN INDIVIDUAL IS ELIGIBLE FOR THE PROGRAM IF THE INDIVIDUAL:

(1) HAS A FAMILY INCOME AT OR BELOW THAT DOES NOT EXCEED 250% OF THE FEDERAL POVERTY LEVEL; AND

(2) DOES NOT HAVE ACCESS TO HEALTH INSURANCE COVERAGE THAT COVERS SCREENING MAMMOGRAMS AND CLINICAL BREAST EXAMINATIONS FOR WOMEN AGED 40 YEARS AND OLDER.

(E) FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE AN APPROPRIATION OF GENERAL FUNDS TO THE PROGRAM IN AN AMOUNT NOT LESS THAN THE AMOUNT APPROPRIATED FOR BREAST CANCER SCREENING, DIAGNOSIS, AND TREATMENT IN THE STATE BUDGET FOR FISCAL YEAR 1999, SUBJECT TO THE AVAILABILITY OF STATE FUNDS.
BEGINNING FISCAL YEAR 1999, THE DEPARTMENT SHALL PROVIDE AT LEAST $4,200,000 EACH YEAR FROM ITS GENERAL FUND APPROPRIATION TO FUND THE PROGRAM TO EXPAND UPON THE EXISTING FEDERALLY FUNDED CENTERS FOR DISEASE CONTROL BREAST AND CERVICAL CANCER SCREENING PROGRAM.

THE DEPARTMENT SHALL:

1. ADOPT REGULATIONS NECESSARY TO IMPLEMENT THE PROGRAM;

AND

2. WORK WITH ALL INTERESTED PARTIES TO ASSURE THAT BREAST CANCER SCREENING SERVICES ARE AVAILABLE TO WOMEN AT LEAST 40 YEARS OLD.

AND BE IT FURTHER ENACTED, That on or before January 1, 1999, the Department of Health and Mental Hygiene shall report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on its progress and its plans for implementation of the Breast Cancer Program, including funding for screening, diagnosis, and treatment of the Breast Cancer Screening Program, established under § 20-116 of the Health - General Article.

AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1998.