
By: Senator Pinsky

Introduced and read first time: February 7, 1996

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Mammography Testing**

3 FOR the purpose of prohibiting mammography testing unless the center where the testing
4 occurs has attained a certificate of approval from the federal Food and Drug
5 Administration as specified in a certain federal law; defining certain terms; and
6 generally relating to mammography testing.

7 BY repealing and reenacting, with amendments,
8 Article - Health - General
9 Section 20-115
10 Annotated Code of Maryland
11 (1990 Replacement Volume and 1995 Supplement)

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

14 **Article - Health - General**

15 20-115.

16 (a) (1) In this section the following words have the meanings indicated.

17 (2) (i) "Center" means any facility that [performs mammography
18 testing] PRODUCES, DEVELOPS, OR INTERPRETS:

- 19 1. SCREENING;
20 2. DIAGNOSTIC MAMMOGRAMS; OR
21 3. BOTH.

22 (ii) "Center" includes [any unit within a hospital, medical laboratory,
23 office of a health care provider, or medical test unit where mammography testing is
24 performed] A HOSPITAL, OUTPATIENT DEPARTMENT, MEDICAL LABORATORY,
25 CLINIC, RADIOLOGY PRACTICE, OFFICE OF A HEALTH CARE PROVIDER, OR OTHER
26 TESTING FACILITY CONDUCTING MAMMOGRAPHY TESTING.

27 (III) "CENTER" DOES NOT INCLUDE A FACILITY OF THE FEDERAL
28 DEPARTMENT OF VETERANS AFFAIRS.

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1 (3) "MAMMOGRAM" MEANS A RADIOGRAPHIC IMAGE PRODUCED
2 THROUGH MAMMOGRAPHY.

3 [(3)] (4) (i) "Mammography testing" means the imaging of the breast
4 with ionizing radiation.

5 (ii) "Mammography testing" includes xeromammography.

6 [(4) "Radiation machine" means any device that is capable of producing
7 radiation.]

8 (b) On or after July 1, 1992, a person may not perform mammography testing
9 unless:

10 (1) The individual performing mammography testing is qualified under Title
11 14 of the Health Occupations Article; and

12 (2) The center where the mammography testing is performed[:

13 (i) Is accredited or has applied for accreditation under the American
14 College of Radiology Screening Mammography Accreditation Program;

15 (ii) Is approved by the Health Care Financing Administration of the
16 United States Department of Health and Human Services; or

17 (iii) Meets the standards established jointly by the Department of
18 Health and Mental Hygiene, the Medical and Chirurgical Faculty of Maryland, the
19 Maryland Hospital Association, and the Maryland Radiology Society] HAS ATTAINED A
20 CERTIFICATE OF APPROVAL FROM THE FEDERAL FOOD AND DRUG
21 ADMINISTRATION AS SPECIFIED IN THE FEDERAL MAMMOGRAPHY QUALITY
22 STANDARDS ACT OF 1992.

23 (c) Notwithstanding any other provision of this title, the penalty for a violation of
24 this section may not exceed \$1,000.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 1996.