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Breast Cancer Screening Program.

1998 Regular Session (8lr2192)

## ENROLLED BILL

-- Environmental Matters/Finance --

Introduced by Delegates Nathan-Pulliam, Pitkin, R. Baker, Benson, Bobo, E. Burns, Cadden, Clagett, Cryor, D. Davis, B. Hughes, D. Hughes, Frush, Goldwater, Grosfeld, Hammen, Harrison, Hecht, Howard, Hubbard, Jones, Kagan, Klausmeier, Kopp, Love, Mandel, Marriott, Mohorovic, Morhaim, Owings, Patterson, Pendergrass, Preis, Snodgrass, Stull, Stup, Taylor, Walkup, and Watson Watson, Oaks, McHale, and Ciliberti

Read and Examined by Proofreaders: Proofreader. Proofreader. Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_day of \_\_\_\_\_\_ at \_\_\_\_\_o'clock, \_\_\_\_M. Speaker. CHAPTER\_\_\_ 1 AN ACT concerning 2 **Breast Cancer Screening Program** 3 FOR the purpose of requiring authorizing requiring the Department of Health and Mental Hygiene to establish a Breast Cancer Screening Program; specifying 4 5 that the Program is to be administered by the local health departments in a certain manner; specifying eligibility for the Program; requiring the Department 6 7 to fund the Program; requiring the Department to adopt regulations and to work with certain interested parties to assure that breast cancer screening services 8 9 are available to certain individuals; requiring that certain funds be allocated to 10 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 11

1	BY adding to
2	Article - Health - General
3	Section 20-116
4	Annotated Code of Maryland
5	(1996 Replacement Volume and 1997 Supplement)
6	<del>Preamble</del>
7	WHEREAS, Approximately 3,400 Maryland women are stricken with breast
8	cancer each year and approximately 800 of them die from the disease; and
9	WHEREAS, Early detection through mammography screening is by far the most
10	important tool medical science has in fighting breast cancer; and
11	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
10	cannot afford them; and
17	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
19	Program in this State due to the expiration of the mammography screening program
20	conducted by HSCRC; and
21	WHEREAS, The State of Maryland has conducted, for several years, a vigorous
22	public campaign urging women to get their yearly mammograms; and
23	WHEREAS, The Maryland General Assembly believes women age 40 years and
24	over should not be denied the opportunity to get a mammogram because of their lack
25	of financial resources; now, therefore,
26	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27	MARYLAND, That the Laws of Maryland read as follows:
28	Article - Health - General
29	20-116.
30 31	(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.
32	(2) "BIENNIAL" MEANS ONCE EVERY OTHER YEAR.
33	(2) (3) "CLINICAL BREAST EXAMINATION" MEANS A BREAST
34	EXAMINATION PERFORMED BY A HEALTH CARE PROFESSIONAL FOR THE PURPOSE
35	OF DETECTING BREAST CANCER.

**HOUSE BILL 766** "ELIGIBLE INDIVIDUAL" MEANS AN INDIVIDUAL WHO IS 1 (3)2 ELIGIBLE TO RECEIVE BENEFITS UNDER THE PROGRAM IN ACCORDANCE WITH 3 SUBSECTION (D) OF THIS SECTION. "MAMMOGRAM" MEANS AN X-RAY EXAMINATION OF THE 5 BREAST USING DEDICATED EQUIPMENT, INCLUDING X-RAY TUBE, FILTER, 6 COMPRESSION DEVICE, SCREENS, FILMS, AND CASSETTES, SPECIFICALLY FOR 7 MAMMOGRAPHY THAT DELIVERS AN AVERAGE RADIATION EXPOSURE OF LESS THAN 8 ONE RAD MID-BREAST WITH TWO VIEWS FOR EACH BREAST. "PROGRAM" MEANS THE BREAST CANCER SCREENING (6) 10 PROGRAM. 11 (B) (1) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, THE 12 DEPARTMENT SHALL ESTABLISH A BREAST CANCER SCREENING PROGRAM. 13 (2) THE PURPOSE OF THE PROGRAM IS TO: PROVIDE AT LEAST AN ANNUAL BIENNIAL SCREENING 14 (I)15 MAMMOGRAM MAMMOGRAMS AND CLINICAL BREAST EXAMINATION EXAMINATIONS 16 TO LOW-INCOME, UNDERINSURED AND LOW-INCOME, UNINSURED WOMEN AGED 40 17 YEARS AND OVER TO 49 YEARS; AND 18 PROVIDE ANNUAL SCREENING MAMMOGRAMS AND CLINICAL (II)19 BREAST EXAMINATIONS TO LOW-INCOME, UNDERINSURED AND LOW-INCOME, 20 UNINSURED WOMEN AGED 50 YEARS AND OLDER; AND PROVIDE DIAGNOSIS AND TREATMENT FOR INDIVIDUALS WHO 21 (III)22 ARE IDENTIFIED BY THIS PROGRAM AS BEING IN NEED. 23 THE DEPARTMENT SHALL ADMINISTER THE PROGRAM THROUGH THE 24 LOCAL HEALTH DEPARTMENTS USING A GRANT PROGRAM UNDER WHICH A LOCAL 25 HEALTH DEPARTMENT MAKES ARRANGEMENTS WITH HEALTH CARE FACILITIES TO 26 PROVIDE ANNUAL BIENNIAL SCREENING MAMMOGRAMS AND CLINICAL BREAST 27 EXAMINATIONS TO ELIGIBLE INDIVIDUALS. 28 (D) AN INDIVIDUAL IS ELIGIBLE FOR THE PROGRAM IF THE INDIVIDUAL: HAS A FAMILY INCOME AT OR BELOW THAT DOES NOT EXCEED 250% (1) 30 OF THE FEDERAL POVERTY LEVEL; AND DOES NOT HAVE ACCESS TO HEALTH INSURANCE COVERAGE THAT 31 32 COVERS SCREENING MAMMOGRAMS AND CLINICAL BREAST EXAMINATIONS FOR 33 WOMEN AGED 40 YEARS AND OLDER. FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE AN 34 (E)35 APPROPRIATION OF GENERAL FUNDS TO THE PROGRAM IN AN AMOUNT NOT LESS

36 <u>THAN THE AMOUNT APPROPRIATED FOR BREAST CANCER SCREENING, DIAGNOSIS,</u> 37 AND TREATMENT IN THE STATE BUDGET FOR FISCAL YEAR 1999, SUBJECT TO THE

38 AVAILABILITY OF STATE FUNDS.

- 1 (E) BEGINNING FISCAL YEAR 1999, THE DEPARTMENT SHALL PROVIDE AT
- 2 LEAST \$4,200,000 EACH YEAR FROM ITS GENERAL FUND APPROPRIATION TO FUND
- 3 THE PROGRAM TO EXPAND UPON THE EXISTING FEDERALLY FUNDED CENTERS FOR
- 4 DISEASE CONTROL BREAST AND CERVICAL CANCER SCREENING PROGRAM.
- 5 (F) (E)(F) THE DEPARTMENT SHALL:
- 6 (1) ADOPT REGULATIONS NECESSARY TO IMPLEMENT THE PROGRAM;
- 7 AND
- 8 (2) WORK WITH ALL INTERESTED PARTIES TO ASSURE THAT BREAST
- 9 CANCER SCREENING SERVICES ARE AVAILABLE TO WOMEN AT LEAST 40 YEARS OLD.
- 10 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1,
- 11 1999, the Department of Health and Mental Hygiene shall report to the General
- 12 Assembly, in accordance with § 2-1246 of the State Government Article, on its
- 13 progress and its plans for implementation of the Breast Cancer Program, including
- 14 funding for screening, diagnosis, and treatment of the Breast Cancer Screening
- 15 Program, established under § 20-116 of the Health General Article.
- 16 SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take
- 17 effect July 1, 1998.