

HOUSE BILL 766

Unofficial Copy  
J1

1998 Regular Session  
8lr2192  
CF 8lr1777

---

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**

Introduced and read first time: February 11, 1998  
Assigned to: Environmental Matters

---

Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 27, 1998

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Breast Cancer Screening Program**

3 FOR the purpose of ~~requiring~~ authorizing the Department of Health and Mental  
4 Hygiene to establish a Breast Cancer Screening Program; specifying that the  
5 Program is to be administered by the local health departments in a certain  
6 manner; specifying eligibility for the Program; ~~requiring the Department to fund~~  
7 ~~the Program~~; requiring the Department to adopt regulations and to work with  
8 certain interested parties to assure that breast cancer screening services are  
9 available to certain individuals; defining certain terms; and generally relating to  
10 the Breast Cancer Screening Program.

11 BY adding to  
12 Article - Health - General  
13 Section 20-116  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume and 1997 Supplement)

16 **Preamble**

17 ~~WHEREAS, Approximately 3,400 Maryland women are stricken with breast~~  
18 ~~cancer each year and approximately 800 of them die from the disease; and~~

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

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

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

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

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

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

20

**Article - Health - General**

21 20-116.

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

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

25 (3) "CLINICAL BREAST EXAMINATION" MEANS A BREAST  
26 EXAMINATION PERFORMED BY A HEALTH CARE PROFESSIONAL FOR THE PURPOSE  
27 OF DETECTING BREAST CANCER.

28 (4) "ELIGIBLE INDIVIDUAL" MEANS AN INDIVIDUAL WHO IS  
29 ELIGIBLE TO RECEIVE BENEFITS UNDER THE PROGRAM IN ACCORDANCE WITH  
30 SUBSECTION (D) OF THIS SECTION.

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

36 (6) "PROGRAM" MEANS THE BREAST CANCER SCREENING  
37 PROGRAM.

1 (B) (1) SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET, THE  
2 DEPARTMENT SHALL ESTABLISH A BREAST CANCER SCREENING PROGRAM.

3 (2) THE PURPOSE OF THE PROGRAM IS TO:

4 (I) PROVIDE AN ANNUAL BIENNIAL SCREENING MAMMOGRAM  
5 MAMMOGRAMS AND CLINICAL BREAST EXAMINATION EXAMINATIONS TO  
6 LOW-INCOME UNDERINSURED AND LOW-INCOME UNINSURED WOMEN AGED 40  
7 YEARS AND OVER; AND

8 (II) PROVIDE TREATMENT FOR INDIVIDUALS WHO ARE IDENTIFIED  
9 BY THIS PROGRAM AS BEING IN NEED.

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

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

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

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

21 ~~(E) BEGINNING FISCAL YEAR 1999, THE DEPARTMENT SHALL PROVIDE AT~~  
22 ~~LEAST \$4,200,000 EACH YEAR FROM ITS GENERAL FUND APPROPRIATION TO FUND~~  
23 ~~THE PROGRAM TO EXPAND UPON THE EXISTING FEDERALLY FUNDED CENTERS FOR~~  
24 ~~DISEASE CONTROL BREAST AND CERVICAL CANCER SCREENING PROGRAM.~~

25 ~~(F)~~ (E) THE DEPARTMENT SHALL:

26 (1) ADOPT REGULATIONS NECESSARY TO IMPLEMENT THE PROGRAM;  
27 AND

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

30 SECTION 2. AND BE IT FURTHER ENACTED, That the Department of  
31 Health and Mental Hygiene shall report to the General Assembly, in accordance with  
32 § 2-1246 of the State Government Article, on its progress and its plans for  
33 implementation, including funding for screening, diagnosis, and treatment of the  
34 Breast Cancer Screening Program established under § 20-116 of the Health -  
35 General Article.

36 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take  
37 effect July 1, 1998.

