

SENATE BILL 634

Unofficial Copy
J1

1998 Regular Session
(8lr1777)

ENROLLED BILL
-- Finance/Environmental Matters --

Introduced by **Senators Roesser, Boozer, Collins, Conway, Derr, Dorman, Green, Hollinger, Kelley, Lawlah, Madden, Miller, Munson, Pinsky, Ruben, Teitelbaum, Trotter, and Van Hollen** **Van Hollen, Bromwell, Astle, Hafer, Della, and Currie**

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.

President.

CHAPTER _____

1 AN ACT concerning

2 **Breast Cancer Screening Program**

3 FOR the purpose of requiring the Department of Health and Mental Hygiene to
4 establish a Breast Cancer ~~Screening~~ Program; specifying that the Program is to
5 be administered by the local health departments in a certain manner; specifying
6 eligibility for the Program; ~~requiring the Department to fund the Program at~~
7 ~~certain levels for certain fiscal years~~; requiring the Department to adopt
8 regulations, ~~to make a certain report to the General Assembly~~, and to work with
9 ~~certain organizations interested parties to assure that breast cancer screening~~
10 ~~services are available to certain individuals; requiring that certain funds be~~
11 ~~allocated to the Program; requiring the Department to provide a certain report to~~
12 ~~the General Assembly by a certain date~~; defining certain terms; and generally
13 relating to the Breast Cancer ~~Screening~~ Program.

14 BY adding to

1 Article - Health - General
 2 Section 20-116
 3 Annotated Code of Maryland
 4 (1996 Replacement Volume and 1997 Supplement)

5 **Preamble**

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

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

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

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

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

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

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

27 **Article - Health - General**

28 20-116.

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

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

32 ~~(2)~~ (3) "CLINICAL BREAST EXAMINATION" MEANS A BREAST
 33 EXAMINATION PERFORMED BY A HEALTH CARE PROFESSIONAL FOR THE PURPOSE
 34 OF DETECTING BREAST CANCER.

1 ~~(3)~~ (4) "ELIGIBLE INDIVIDUAL" MEANS AN INDIVIDUAL WHO IS
2 ELIGIBLE TO RECEIVE BENEFITS UNDER THE PROGRAM IN ACCORDANCE WITH
3 SUBSECTION (D) OF THIS SECTION.

4 ~~(4)~~ (5) "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.

9 ~~(5)~~ (6) "PROGRAM" MEANS THE BREAST CANCER ~~SCREENING~~
10 PROGRAM.

11 (B) (1) THE DEPARTMENT SHALL ESTABLISH A BREAST CANCER
12 ~~SCREENING~~ PROGRAM.

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

14 (I) ~~PROVIDE AN ANNUAL~~ AT LEAST BIENNIAL SCREENING
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;

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

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

23 (C) 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~~ SCREENING MAMMOGRAMS AND CLINICAL BREAST
27 EXAMINATIONS TO ELIGIBLE INDIVIDUALS.

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

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

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

34 (E) FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE AN
35 APPROPRIATION OF GENERAL FUNDS TO THE PROGRAM IN AN AMOUNT NOT LESS
36 THAN THE AMOUNT APPROPRIATED FOR BREAST CANCER SCREENING, DIAGNOSIS,
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 ~~(E) (1) NOT LATER THAN JANUARY 1, 1999, THE DEPARTMENT SHALL~~
6 ~~REPORT TO THE GENERAL ASSEMBLY ON ITS PROGRESS ON, AND ITS PLANS FOR,~~
7 ~~IMPLEMENTATION OF THIS PROGRAM, INCLUDING FUNDING FOR SCREENING,~~
8 ~~DIAGNOSIS, AND TREATMENT.~~

9 ~~(2) TO ADMINISTER THE PROGRAM, THE DEPARTMENT SHALL~~
10 ~~ALLOCATE FROM ITS GENERAL FUND APPROPRIATION, AS WELL AS OTHER~~
11 ~~APPROPRIATE FUNDING SOURCES, AT LEAST:~~

12 ~~(I) \$2,600,000 FOR FISCAL YEARS 1999, 2000, AND 2001; AND~~

13 ~~(II) \$4,200,000 FOR EACH FISCAL YEAR BEGINNING WITH FISCAL~~
14 ~~YEAR 2002~~

15 ~~(F) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN~~
16 ~~APPROPRIATION TO THE PROGRAM IN AN AMOUNT NOT LESS THAN:~~

17 ~~(1) \$2,600,000 FOR THE FISCAL YEAR THAT BEGINS ON JULY 1, 1999;~~

18 ~~(2) \$2,600,000 FOR THE FISCAL YEAR THAT BEGINS ON JULY 1, 2000; AND~~

19 ~~(3) \$4,200,000 FOR THE FISCAL YEAR THAT BEGINS ON JULY 1, 2001 AND~~
20 ~~EACH SUBSEQUENT FISCAL YEAR.~~

21 ~~(F) (G) THE DEPARTMENT SHALL:~~

22 ~~(1) ADOPT REGULATIONS NECESSARY TO IMPLEMENT THE PROGRAM;~~
23 ~~AND~~

24 ~~(2) WORK WITH THE FOLLOWING ENTITIES TO CONTINUE TO ASSURE~~
25 ~~THAT BREAST CANCER SCREENING SERVICES ARE AVAILABLE TO WOMEN AT LEAST~~
26 ~~40 YEARS OLD:~~

27 ~~(I) THE FEDERAL GOVERNMENT;~~

28 ~~(II) LOCAL HEALTH DEPARTMENTS IN THE STATE;~~

29 ~~(III) THE HEALTH SERVICES COST REVIEW COMMISSION;~~

30 ~~(IV) THE MARYLAND HEALTH CARE FOUNDATION;~~

31 ~~(V) THE MARYLAND HOSPITAL ASSOCIATION;~~

32 ~~(VI) THE MARYLAND ASSOCIATION OF HEALTH MAINTENANCE~~
33 ~~ORGANIZATIONS;~~

- 1 ~~(VII) THE MEDICAL AND CHIRURGICAL FACULTY OF MARYLAND;~~
 2 ~~(VIII) THE MARYLAND RADIOLOGY ASSOCIATION;~~
 3 ~~(IX) THE MARYLAND AMBULATORY SURGERY ASSOCIATION;~~
 4 ~~(X) ARM IN ARM; AND~~
 5 ~~(XI) OTHER INTERESTED PARTIES.~~

6 ~~SECTION 2. AND BE IT FURTHER ENACTED, That, in addition to the~~
 7 ~~provisions of this Act, it is the intent of the General Assembly that the Governor~~
 8 ~~include in the annual State budget for Fiscal Year 1999 an appropriation to the Breast~~
 9 ~~Cancer Screening Program of at least \$2,600,000.~~

10 ~~(F) THE DEPARTMENT SHALL:~~

11 ~~(1) ADOPT REGULATIONS NECESSARY TO IMPLEMENT THE PROGRAM;~~
 12 ~~AND~~

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

15 ~~SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1,~~
 16 ~~1999, the Department of Health and Mental Hygiene shall report to the General~~
 17 ~~Assembly, in accordance with § 2-1246 of the State Government Article, on its progress~~
 18 ~~and its plans for implementation, of the Breast Cancer Program, including funding for~~
 19 ~~screening, diagnosis, and treatment, established under § 20-116 of the Health -~~
 20 ~~General Article.~~

21 ~~SECTION 2. 3. AND BE IT FURTHER ENACTED, That this Act shall take~~
 22 ~~effect July 1, 1998.~~