

SENATE BILL 634

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1998 Regular Session
8r1777
CF 8r2192

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**

Introduced and read first time: February 6, 1998
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted with floor amendments
Read second time: March 18, 1998

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; defining certain terms; and generally relating to the
10 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

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

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

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

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

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

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

18 **Article - Health - General**

19 20-116.

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

22 (2) "CLINICAL BREAST EXAMINATION" MEANS A BREAST EXAMINATION
23 PERFORMED BY A HEALTH CARE PROFESSIONAL FOR THE PURPOSE OF DETECTING
24 BREAST CANCER.

25 (3) "ELIGIBLE INDIVIDUAL" MEANS AN INDIVIDUAL WHO IS ELIGIBLE TO
26 RECEIVE BENEFITS UNDER THE PROGRAM IN ACCORDANCE WITH SUBSECTION (D)
27 OF THIS SECTION.

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

33 (5) "PROGRAM" MEANS THE BREAST CANCER SCREENING PROGRAM.

34 (B) (1) THE DEPARTMENT SHALL ESTABLISH A BREAST CANCER
35 SCREENING PROGRAM.

1 (2) THE PURPOSE OF THE PROGRAM IS TO PROVIDE AN ANNUAL
 2 SCREENING MAMMOGRAM AND CLINICAL BREAST EXAMINATION TO LOW-INCOME,
 3 UNDERINSURED AND LOW-INCOME, UNINSURED WOMEN AGED 40 YEARS AND OVER.

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

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

10 (1) HAS A FAMILY INCOME AT OR BELOW 250% OF THE FEDERAL
 11 POVERTY LEVEL; AND

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

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

19 ~~(E) (1) NOT LATER THAN JANUARY 1, 1999, THE DEPARTMENT SHALL~~
 20 ~~REPORT TO THE GENERAL ASSEMBLY ON ITS PROGRESS ON, AND ITS PLANS FOR,~~
 21 ~~IMPLEMENTATION OF THIS PROGRAM, INCLUDING FUNDING FOR SCREENING,~~
 22 ~~DIAGNOSIS, AND TREATMENT.~~

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

26 ~~(1) \$2,600,000 FOR FISCAL YEARS 1999, 2000, AND 2001; AND~~

27 ~~(2) \$4,200,000 FOR EACH FISCAL YEAR BEGINNING WITH FISCAL~~
 28 ~~YEAR 2002~~

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

31 (1) \$2,600,000 FOR THE FISCAL YEAR THAT BEGINS ON JULY 1, 1999;

32 (2) \$2,600,000 FOR THE FISCAL YEAR THAT BEGINS ON JULY 1, 2000; AND

33 (3) \$4,200,000 FOR THE FISCAL YEAR THAT BEGINS ON JULY 1, 2001 AND
 34 EACH SUBSEQUENT FISCAL YEAR.

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

1 (1) ADOPT REGULATIONS NECESSARY TO IMPLEMENT THE PROGRAM;

2 AND

3 (2) WORK WITH THE FOLLOWING ENTITIES TO CONTINUE TO ASSURE
4 THAT BREAST CANCER SCREENING SERVICES ARE AVAILABLE TO WOMEN AT LEAST
5 40 YEARS OLD:

6 (I) THE FEDERAL GOVERNMENT;

7 (II) LOCAL HEALTH DEPARTMENTS IN THE STATE;

8 (III) THE HEALTH SERVICES COST REVIEW COMMISSION;

9 (IV) THE MARYLAND HEALTH CARE FOUNDATION;

10 (V) THE MARYLAND HOSPITAL ASSOCIATION;

11 (VI) THE MARYLAND ASSOCIATION OF HEALTH MAINTENANCE
12 ORGANIZATIONS;

13 (VII) THE MEDICAL AND CHIRURGICAL FACULTY OF MARYLAND;

14 (VIII) THE MARYLAND RADIOLOGY ASSOCIATION;

15 (IX) THE MARYLAND AMBULATORY SURGERY ASSOCIATION;

16 (X) ARM IN ARM; AND

17 (XI) OTHER INTERESTED PARTIES.

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

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