

---

By: **Delegates Pitkin and Malone**  
Introduced and read first time: February 9, 2001  
Assigned to: Environmental Matters

---

Committee Report: Favorable  
House action: Adopted  
Read second time: March 16, 2001

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Breast Cancer Program - Coverage of Reconstructive Services**

3 FOR the purpose of requiring that treatment provided to certain individuals under a  
4 certain program include certain services; defining a certain term; and generally  
5 relating to the breast cancer program administered by the Department of  
6 Health and Mental Hygiene.

7 BY repealing and reenacting, with amendments,  
8 Article - Health - General  
9 Section 20-116  
10 Annotated Code of Maryland  
11 (2000 Replacement Volume)

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 20-116.

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

17 (2) "Biennial" means once every other year.

18 (3) "Clinical breast examination" means a breast examination performed  
19 by a health care professional for the purpose of detecting breast cancer.

1 (4) "Eligible individual" means an individual who is eligible to receive  
2 benefits under the Program in accordance with subsection (d) of this section.

3 (5) "Mammogram" means an X-ray examination of the breast using  
4 dedicated equipment, including X-ray tube, filter, compression device, screens, films,  
5 and cassettes, specifically for mammography that delivers an average radiation  
6 exposure of less than one rad mid-breast with two views for each breast.

7 (6) "MASTECTOMY" MEANS THE SURGICAL REMOVAL OF ALL OR PART OF  
8 A BREAST AS A RESULT OF BREAST CANCER.

9 [(6)] (7) "Program" means the Breast Cancer Program.

10 (b) (1) The Department shall establish a Breast Cancer Program.

11 (2) The purpose of the Program is to:

12 (i) Provide at least biennial screening mammograms and clinical  
13 breast examinations to low-income, underinsured and low-income, uninsured women  
14 aged 40 years to 49 years;

15 (ii) Provide annual screening mammograms and clinical breast  
16 examinations to low-income, underinsured and low-income, uninsured women aged  
17 50 years and older; and

18 (iii) Provide diagnosis and treatment for individuals who are  
19 identified by this Program as being in need.

20 (C) TREATMENT PROVIDED TO A PROGRAM PARTICIPANT WHO HAS  
21 UNDERGONE A MASTECTOMY SHALL INCLUDE:

22 (1) RECONSTRUCTION OF THE BREAST ON WHICH THE MASTECTOMY  
23 HAS BEEN PERFORMED;

24 (2) SURGERY AND RECONSTRUCTION OF THE OTHER BREAST TO  
25 PRODUCE A SYMMETRICAL APPEARANCE;

26 (3) PROSTHESES; AND

27 (4) ANY PHYSICAL COMPLICATIONS RELATED TO THE MASTECTOMY.

28 [(c)] (D) The Department shall administer the Program through the local  
29 health departments using a grant program under which a local health department  
30 makes arrangements with health care facilities to provide screening mammograms  
31 and clinical breast examinations to eligible individuals.

32 [(d)] (E) An individual is eligible for the Program if the individual:

33 (1) Has a family income that does not exceed 250% of the federal poverty  
34 level; and

1           (2)     Does not have access to health insurance coverage that covers  
2 screening mammograms and clinical breast examinations for women aged 40 years  
3 and older.

4     [(e)]   (F)     For each fiscal year, the Governor shall include an appropriation of  
5 general funds to the Program in an amount not less than the amount appropriated for  
6 breast cancer screening, diagnosis, and treatment in the State budget for fiscal year  
7 1999, subject to the availability of State funds.

8     [(f)]   (G)     The Department shall:

9           (1)     Adopt regulations necessary to implement the Program; and

10          (2)     Work with all interested parties to assure that breast cancer  
11 screening services are available to women at least 40 years old.

12     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 July 1, 2001.