

By: Senator Beebe

"AN ACT TO ENCOURAGE HEALTH INSURERS TO PROVIDE COVERAGE FOR SCREENING MAMMOGRAPHY; TO REQUIRE GROUP HEALTH CARE PROVIDERS TO OFFER MASTER GROUP CONTRACT HOLDERS AN OPTIONAL COVERAGE FOR MAMMOGRAM SCREENING; TO PROVIDE THAT MAMMOGRAPHIES SHALL ONLY BE PERFORMED IN FACILITIES ACCREDITED BY THE STATE; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Legislative findings and intent. The General Assembly finds and declares that: breast cancer, according to the American Cancer Society, is the second leading cause of death among women in the United States; one American woman in ten will develop breast cancer in her lifetime; mammography provides the earliest detection of breast cancer; screening using mammography can significantly cut the death rate of women with breast cancer, especially for women with small tumors that have not invaded the lymph nodes and who have a 90% chance of surviving at least five years when such tumors are diagnosed and removed; both the American Cancer Society and the National Cancer Institute have developed age and frequency guidelines for mammogram screening, which guidelines have been incorporated herein; and therefore, the General Assembly finds it is in the best interest for the general health and welfare of the people of the State of Arkansas that legislation be enacted encouraging health insurance coverage for screening mamography.

SECTION 2. Mammography - definitions. (a) "Screening mammography" is a radiologic procedure provided to a woman, who has no signs or symptoms of breast cancer, for the purpose of early detection of breast cancer. The procedure entails two views of each breast and includes a physician's interpretation of the results of the procedure.

(b) "Diagnostic mammography" is a problem solving radiologic procedure of higher intensity than screening mammography provided to women who are suspected to have breast pathology. Patients are usually referred for analysis of palpable abnormalities or for further evaluation of mammographically detected abnormalities. All images are immediately reviewed by the physician interpreting the study and additional views are obtained as needed. Physical exam of the breast by the interpreting physician to correlate the radiologic findings is often performed as part of the study.

SECTION 3. Frequency of examination - minimum coverage. Every health insurance company, hospital service corporation, health maintenance organization or other health insurance provider in the State of Arkansas shall after January 1, 1990, offer to each master group contract holder as an optional benefit, coverage for at least the following mammogram screening of occult breast cancer:

(a) A baseline mammogram for a woman covered by such policy who is thirty-five (35) to forty (40) years of age.

(b) A mammogram for a woman covered by such policy who is forty (40) to forty-nine (49) years of age, inclusive every one to two years based on the recommendation of such woman's physician.

(c) A mammogram each year for a woman covered by such policy who is at least fifty (50) years of age.

(d) Upon recommendation of a woman's physician, without regard to age, where such woman has had a prior history of breast cancer or where such woman's mother or sister has had a history of breast cancer.

(e) Insurance coverage for screening mammograms will not prejudice coverage for diagnostic mammograms as recommended by the woman's physician.

SECTION 4. Limit of coverage for screening mammograms. The insurers shall pay not less than fifty dollars (\$50.00) for each screening mammogram which shall include payment for both the professional and technical components. In case of hospital out-patient screening mammography, and comparable situations, where there is a claim for professional services separate from the claim for technical services, the claim for professional component will not be less than forty percent (40%) of the total fee.

SECTION 5. Quality standards. To assure the safety and accuracy of screening and diagnostic mammography and to promote the highest quality imaging in the most efficient setting to contain costs, radiological standards and quality assurance programs will be established and administered by the Director of the Arkansas Department of Health. To assist the Director in establishing the quality standards there is hereby created an advisory committee to be composed of: the Head of Mammography at the University of Arkansas Medical Center; the Head of the Arkansas Cancer Research Center; the Head of the Department of Family Practice, University of Arkansas Medical Center; the Chairman of the Breast Screening Project, Arkansas Division, American Cancer Society; a physician appointed by the Council of the Arkansas Medical Society; a Health Physicist from the Division of Radiation Control of the Arkansas Department of Health, and the President of the Arkansas Chapter, American College of Radiology. The committee and the Director shall continuously review and revise the quality standards in light of current scientific knowledge, but no less frequently than once every two (2) years.

SECTION 6. The Director of the Arkansas Department of Health shall establish standards for accreditation of facilities wherein mammography may be conducted. Such facilities shall be accredited annually, and no mammography shall be performed in an unaccredited facility after January 1, 1990. The owners of any unaccredited facility wherein mammography is performed after January 1, 1990 shall be subject to a civil penalty imposed by the Arkansas Department of Health in an amount not to exceed one hundred dollars (\$100.00) for each day the facility operates without accreditation by the Department, and furthermore, no insurer shall pay for mammographies performed in an unaccredited facility after January 1, 1990.

SECTION 7. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 8. All laws and parts of laws in conflict with this Act are hereby repealed.

APPROVED: March 2, 1989
