

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Senator Beebe**

A Bill

ACT 508 OF 1995
SENATE BILL 391

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE 20-15-1002, ET SEQ., AND
23-79-140 TO COMPLY WITH THE FEDERAL MAMMOGRAPHY QUALITY
STANDARDS ACT OF 1992; AND FOR OTHER PURPOSES."

Subtitle

"TO COMPLY WITH THE FEDERAL MAMMOGRAPHY
QUALITY STANDARDS ACT OF 1992."

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

SECTION 1. Arkansas Code 20-15-1002 is amended to read as follows:

"20-15-1002. Definitions.

As used in this subchapter, unless the context otherwise requires:

(1) Mammography means radiography of the breast.

(2) 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 (2) views of each breast and includes a physician's interpretation of the results of the procedure.

(3) 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.

(4) Accreditation Body means a body that has been approved by the Secretary of the U.S. Department of Health and Human Services (DHHS) to accredit mammography facilities under P.L. 102-539 (21 CFR 900), the Federal

1 Mammography Quality Standards Act of 1992.

2 (5) Department means the Arkansas Department of Health."

3

4 SECTION 2. Arkansas Code 23-79-140(a) is amended to read as follows:

5 "(a) (1) Mammography means radiography of the breast.

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

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

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20 SECTION 3. Arkansas Code 20-15-1003 is amended to read as follows:

21 "20-15-1003. Advisory committee.

22 (a) To assure the safety and accuracy of screening and diagnostic
23 mammography and to promote the highest quality imaging in the most efficient
24 setting to contain costs, radiological standards and quality assurance
25 programs will be established and administered by the Director of the
26 Department of Health.

27 (b) To assist the director in establishing the quality standards, there
28 is hereby created an advisory committee to be composed of:

29 (1) The Director of Mammography of University Hospital Department
30 of Radiology at the University of Arkansas for Medical Sciences, or designee;

31 (2) The Chairman of the Breast Screening Project, Arkansas
32 Division, American Cancer Society, or designee;

33 (3) A physician appointed by the Council of the Arkansas Medical
34 Society or designee;

35 (4) A health physicist from the Division of Radiation Control of

1 the Arkansas Department of Health or designee;

2 (5) A medical physicist with experience and training in
3 mammography procedures appointed by the Director of the Department of Health;

4 (6) A registered x-ray technologist with experience and training
5 in mammography practices and procedures appointed by the Director of the
6 Department of Health; and

7 (7) The President of the Arkansas Chapter, American College of
8 Radiology or designee.

9 (c) The committee and the director shall continuously review and revise
10 the quality standards in light of current scientific knowledge, but no less
11 frequently than once every year."

12

13 SECTION 4. Arkansas Code 20-15-1004 is amended to read as follows:

14 "20-15-1004. Accreditation of facilities required - Penalty.

15 (a) The Director of the Department of Health shall establish quality
16 standards for accreditation of facilities wherein mammography may be conducted
17 in accordance with P.L. 102-539 (21 CFR 900), the Federal Mammography Quality
18 Standards Act of 1992. *The standards applicable to the physician who*
19 *interprets mammograms shall not be more stringent than those standards listed*
20 *in the above mentioned Federal law.*

21 (b)(1) Such facilities shall be accredited by the department every
22 three years; and

23 (2) No mammography shall be performed in an unaccredited facility
24 after January 1, 1990.

25 (c) For facilities accredited by the department, documents of
26 accreditation shall be non-transferable and shall expire three (3) years after
27 being issued or at a time specified by the department.

28 (d) The owners of any unaccredited facility wherein mammography is
29 performed after January 1, 1990, shall be subject to a civil penalty imposed
30 by the Department of Health in an amount not to exceed one hundred dollars
31 (\$100) for each day the facility operates without accreditation by the
32 department."

33

34 SECTION 5. Subchapter 10 of Chapter 15 of Title 20 of the Arkansas Code
35 is amended by adding the following sections:

1 "20-15-1005. Fees.

2 (a) As an accreditation body, the department may charge and collect the
3 following fees:

4 (1) First mammography tube, seven hundred dollars (\$700) to be
5 collected at the beginning of each three (3) year accreditation period.

6 (2) Each additional mammography tube, five hundred dollars (\$500)
7 to be collected at the beginning of each three (3) year accreditation period.

8 (3) Each additional review of clinical images and phantoms, one
9 hundred dollars (\$100) to be collected at the time of submission of clinical
10 images and phantoms for review *except that the maximum annual cost for*
11 *additional review of clinical images and phantoms shall not exceed three*
12 *hundred dollars (\$300).*

13 (b) (1) The department may prorate the accreditation fee for a
14 mammography tube that is accredited for less than the three (3) year
15 accreditation period.

16 (2) The department may bill on an annual basis for one-third of
17 the accreditation fee.

18 (c) All revenue derived from fees collected pursuant to this section
19 shall be deposited in the State Treasury and credited to the Public Health
20 Fund.

21 (d) Subject to such rules and regulations as may be implemented by the
22 Chief Fiscal Officer of the State, the Disbursing Officer of the Arkansas
23 Department of Health is authorized to transfer all unexpended funds that
24 pertain to fees collected, as certified by the Chief Fiscal Officer of the
25 State, to be carried forward and made available for expenditures for the same
26 purpose of any following fiscal year.

27 20-15-1006. Standards Certification Program.

28 The Department of Health is authorized to operate a mammography quality
29 standards certification program in accordance with P.L. 102-539 (21 CFR 900),
30 the Federal Mammography Standards Act of 1992, to:

31 (1) Issue initial and renewal certificates of mammography facilities;

32 (2) Conduct inspections and determine compliance of certified
33 facilities;

34 (3) Impose sanction, to include

35 (A) suspension, revocation of certification;

1 (B) injunctions to restrict unsafe or illegal activities in
2 mammography facilities;

3 (C) civil penalties."
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5 SECTION 6. All provisions of this act of a general and permanent nature
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
7 Revision Commission shall incorporate the same in the Code.

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9 SECTION 7. If any provision of this act or the application thereof to
10 any person or circumstance is held invalid, such invalidity shall not affect
11 other provisions or applications of the act which can be given effect without
12 the invalid provision or application, and to this end the provisions of this
13 act are declared to be severable.

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15 SECTION 8. All laws and parts of laws in conflict with this act are
16 hereby repealed.

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18 SECTION 9. EMERGENCY. It is hereby found and determined by the General
19 Assembly of the State of Arkansas that in order to comply with federal
20 mandates and support the Arkansas Department of Health in its efforts to
21 maintain high accreditation standards for mammography facilities, this act
22 should have immediate effect. Therefore, an emergency is hereby declared to
23 exist and this act being necessary for the immediate preservation of the
24 public peace, health, and safety, shall be in full force and effect from and
25 after its passage and approval.

26 /s/Beebe

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28 APPROVED: 3-2-95
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