

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

A Bill

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

1 Secretary of the U.S. Department of Health and Human Services (DHHS) to
2 accredit mammography facilities under P.L. 102-539 (21 CFR 900), the Federal
3 Mammography Quality Standards Act of 1992.

4 (5) Department means the Arkansas Department of Health."
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6 SECTION 2. Arkansas Code 23-79-140(a) is amended to read as follows:

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

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

13 (3) Diagnostic mammography is a problem-solving radiologic
14 procedure of higher intensity than screening mammography provided to women
15 who are suspected to have breast pathology. Patients are usually referred for
16 analysis of palpable abnormalities or for further evaluation of
17 mammographically detected abnormalities. All images are immediately reviewed
18 by the physician interpreting the study and additional views are obtained as
19 needed. Physical exam of the breast by the interpreting physician to
20 correlate the radiologic findings is often performed as part of the study."
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22 SECTION 3. Arkansas Code 20-15-1003 is amended to read as follows:

23 "20-15-1003. Advisory committee.

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

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

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

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

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

3 (4) A health physicist from the Division of Radiation Control of
4 the Arkansas Department of Health or designee;

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

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

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

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

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

17 "20-15-1004. Accreditation of facilities required - Penalty.

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

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

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

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

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

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

4 "20-15-1005. Fees.

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

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

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

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

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

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

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

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

31 20-15-1006. Standards Certification Program.

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

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

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