

CHAPTER 184

HEALTH

HOUSE BILL 93-1185

BY REPRESENTATIVES Tucker, Lawrence, Adkins, Agler, Owen, Ratterree, Jerke, Chlouber, Sullivan, Allen, Epps, June, Morrison, Taylor, Williams, Armstrong, Blue, DeGette, Dyer, Entz, Fleming, Friednash, Gordon, Greenwood, Hagedorn, R. Hernandez, Kaufman, Keller, Kerns, Knox, Kreutz, May, Nichol, Pierson, Reeser, Rupert, Strom, Tanner, Thiebaut, and Wright; also SENATORS Wattenberg, Schroeder, Johnson, Wham, Blickensderfer, Casey, Cassidy, Gallagher, Groff, Lacy, Mares, Martinez, Meiklejohn, Norton, Peterson, L. Powers, R. Powers, Roberts, Tebedo, Traylor, Weissmann, and Wells.

AN ACT**CONCERNING THE ASSURANCE OF QUALITY OF MAMMOGRAPHY EXAMS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. The general assembly is concerned by the fact that one out of nine women in Colorado will be diagnosed with breast cancer at some point in her lifetime. Data indicates that more than two thousand one hundred new cases of breast cancer will be detected in Colorado this year and that four hundred seventy-five women will lose their lives to this disease. Ninety percent of the women whose breast cancer is detected in the earliest stages will survive at least five years. In contrast, only sixty-three percent of those with regional disease will survive for five years and only fifteen percent of women with distant stage disease will survive for five years. The cost to treat early stage disease averages ten to fifteen thousand dollars and the cost for later stage treatment averages seventy-five thousand dollars. The general assembly recognizes that detecting breast cancer at an early stage of the disease is the most effective way of saving lives and reducing health care costs. The general assembly finds that, to aid in the early detection of breast cancer, suppliers of mammography services should be required to comply with quality assurance standards to ensure that mammography services provided in the state are performed by qualified individuals using appropriate, well-calibrated equipment which is checked regularly. The general assembly further finds that the federal "Mammography Quality Standards Act of 1992" recognizes the importance of quality assurances in the performance of mammography. It is the intent of the general assembly to improve and assure the quality of mammography services to the

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

consumers of this state.

SECTION 2. 25-11-101, Colorado Revised Statutes, 1989 Repl. Vol., is amended BY THE ADDITION OF A NEW SUBSECTION to read:

25-11-101. Definitions. As used in this part 1, unless the context otherwise requires:

(2.5) "MAMMOGRAPHER" MEANS A PERSON WHO OPERATES A MACHINE SOURCE OF IONIZING RADIATION, COMMONLY KNOWN AS AN "X-RAY MACHINE" IN THE CONDUCT OF A MAMMOGRAPHY EXAM.

SECTION 3. 25-11-104 (1), Colorado Revised Statutes, 1989 Repl. Vol., is amended, and the said 25-11-104 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

25-11-104. Rules and regulations to be adopted - fees - fund created. (1) The state board of health shall formulate, adopt, and promulgate rules and regulations as provided in ~~subsection~~ SUBSECTIONS (2) AND (2.5) of this section which shall cover subject matter relative to radioactive materials and other sources of ionizing radiation which shall include, but not be limited to: Licenses and registration, records, permissible levels of exposure, notification and reports of accidents, technical qualifications of personnel, TECHNICAL QUALIFICATIONS OF MAMMOGRAPHERS, handling, transportation and storage, waste disposal, posting and labeling of hazardous sources and areas, surveys, and monitoring.

(2.5) REGULATIONS RELATING TO MAMMOGRAPHERS SHALL PROVIDE THAT MAMMOGRAPHERS MUST OBTAIN EDUCATION AND TRAINING THROUGH AN ORGANIZATION SPECIFIED BY THE STATE BOARD OF HEALTH OR PROVIDE PROOF OF EXPERIENCE AS ESTABLISHED BY THE BOARD, OR BOTH. AT A MINIMUM SAID REGULATIONS SHALL PROVIDE THAT MAMMOGRAPHERS MUST HAVE ACHIEVED A PASSING SCORE ON AN EXAMINATION FOR THE LIMITED SCOPE OF PRACTICE IN RADIOGRAPHY AS ADMINISTERED BY THE AMERICAN REGISTRY OF RADIOLOGICAL TECHNOLOGISTS OR A SIMILAR INSTITUTION APPROVED BY THE STATE BOARD. ALL REGULATIONS RELATING TO THE QUALIFICATIONS OF MAMMOGRAPHERS SHALL BE MODELED AFTER AND SHALL BE NO LESS STRINGENT THAN THOSE ADOPTED BY THE FEDERAL GOVERNMENT PURSUANT TO THE FEDERAL "MAMMOGRAPHY QUALITY STANDARDS ACT OF 1992". THE MAMMOGRAPHY QUALITY ASSURANCE ADVISORY COMMITTEE REFERRED TO IN SECTION 25-11-105.5 SHALL REVIEW AND MAKE RECOMMENDATIONS TO THE BOARD REGARDING QUALIFICATIONS FOR MAMMOGRAPHERS.

SECTION 4. 25-11-104 (8), Colorado Revised Statutes, 1989 Repl. Vol., is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

25-11-104. Rules and regulations to be adopted - fees - fund created.

(8) (a.5) NO PERSON SHALL PERFORM A MAMMOGRAPHY EXAM NOR SHALL ANYONE EMPLOY A PERSON TO PERFORM A MAMMOGRAPHY EXAM UNLESS SAID PERSON HAS BEEN APPROVED BY THE DEPARTMENT AS MEETING THE QUALIFICATIONS FOR MAMMOGRAPHERS ADOPTED BY THE STATE BOARD OF HEALTH PURSUANT TO SUBSECTION (2.5) OF THIS SECTION. ON OR BEFORE DECEMBER 31, 1993, THE STATE

BOARD OF HEALTH SHALL ADOPT RULES REQUIRING THAT ALL MACHINE SOURCES OF IONIZING RADIATION WHICH ARE USED IN THE CONDUCT OF A MAMMOGRAPHY EXAM BE OPERATED ONLY BY A QUALIFIED MAMMOGRAPHER, THAT A LIST OF QUALIFIED MAMMOGRAPHERS OPERATING THE MACHINE BE POSTED ON OR NEAR SAID MACHINES, AND THAT SAID MACHINES BE INSPECTED AT LEAST ANNUALLY FOR COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBSECTION (8). DOCUMENTATION ESTABLISHING THE QUALIFICATIONS OF MAMMOGRAPHERS SHALL BE AVAILABLE FOR INSPECTION UPON REQUEST.

SECTION 5. Part 1 of article 11 of title 25, Colorado Revised Statutes, 1989 Repl. Vol., is amended BY THE ADDITION OF A NEW SECTION to read:

25-11-105.5. Mammography quality assurance advisory committee. (1) THE MAMMOGRAPHY QUALITY ASSURANCE ADVISORY COMMITTEE ESTABLISHED BY THE COLORADO WOMEN'S CANCER CONTROL INITIATIVE IN THE DEPARTMENT OF HEALTH SHALL REVIEW THE PROVISION OF MAMMOGRAPHY SERVICES IN COLORADO AND MAKE RECOMMENDATIONS TO THE STATE BOARD OF HEALTH CONCERNING QUALITY ASSURANCE, INCLUDING BUT NOT LIMITED TO RECOMMENDATIONS REGARDING THE QUALIFICATIONS OF MAMMOGRAPHERS, AND SHALL MAKE RECOMMENDATIONS CONCERNING THE IMPLEMENTATION OF THE FEDERAL "MAMMOGRAPHY QUALITY STANDARDS ACT OF 1992". THE MEMBERS OF SAID ADVISORY COMMITTEE SHALL NOT BE COMPENSATED BY THE STATE FOR ATTENDANCE AT MEETINGS OR FOR EXPENSES. THE ADVISORY COMMITTEE AND THE DEPARTMENT OF REGULATORY AGENCIES SHALL COOPERATE REGARDING ANY ISSUES CONCERNING CERTIFICATION OR LICENSURE OF OCCUPATIONS RELATED TO MAMMOGRAPHY. THE ADVISORY COMMITTEE MAY CONTACT PHYSICIANS, CONSUMERS, PROVIDERS OF SERVICES, AND OTHERS AS NEEDED TO CONDUCT THE REVIEW OR FORMULATE RECOMMENDATIONS. THE ADVISORY COMMITTEE MAY MAKE RECOMMENDATIONS TO MEMBERS OF THE GENERAL ASSEMBLY REGARDING PROPOSED LEGISLATION RELATING TO MAMMOGRAPHY.

(2) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 1998.

SECTION 6. No appropriation. The general assembly has determined that this act can be implemented within existing appropriations, and therefore no separate appropriation of state moneys is necessary to carry out the purposes of this act.

SECTION 7. Effective date. This act shall take effect July 1, 1993.

SECTION 8. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 6, 1993