

By: Senator(s) Dawkins, Williamson, Harden,
Hyde-Smith

To: Public Health and
Welfare

SENATE BILL NO. 2947

1 AN ACT TO AUTHORIZE THE PERFORMANCE OF MAMMOGRAMS WITHOUT A
2 PRESCRIPTION FROM A LICENSED PRACTITIONER; TO PROVIDE FOR
3 NOTIFICATION OF THE RESULTS; TO PROVIDE LIMITED IMMUNITY FROM
4 CIVIL LIABILITY; TO AMEND SECTION 83-9-108, MISSISSIPPI CODE OF
5 1972, TO PROVIDE DIRECT ACCESS WITHOUT ANY REQUIREMENT FOR
6 SPECIALTY REFERRAL FOR MINIMUM MAMMOGRAPHY EXAMINATIONS COVERED BY
7 HEALTH COVERAGE INSURANCE PLANS; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** (1) Notwithstanding any provision of Section
10 73-21-73, Mississippi Code of 1972, or any physician protocol to
11 the contrary, any person who may legally perform a mammography in
12 this state may perform a screening mammography without the
13 direction by prescription of a licensed practitioner. A facility
14 offering screening mammography may request a referral for a
15 screening mammogram from a physician licensed to practice medicine
16 by the Mississippi State Board of Medical Examiners.

17 (2) Each patient shall be given the opportunity to name a
18 physician to receive the results of any screening mammogram
19 performed pursuant to this section. The results mailed to the
20 patient and to the named physician shall clearly state whether the
21 need for any follow-up care is indicated by the mammogram.

22 (3) Any liability or responsibility for any subsequent or
23 follow-up care and treatment of an individual who receives a
24 screening mammogram pursuant to this section on the part of the
25 performer of that screening mammogram or any physician performing
26 an assessment of a screening mammogram shall cease upon delivery
27 of the results or report of such screening mammogram to the
28 screened or tested individual and to any physician named by the
29 patient to receive such results. These results shall be sent by

30 certified mail, return receipt requested, and shall comply with
31 the reporting requirements for mammography results in the federal
32 Mammography Quality Standards Act, 42 USC 263b, and any
33 regulations promulgated pursuant thereto. The liability of a
34 supervising licensed practitioner for follow-up of patients
35 following a screening mammogram shall be limited to informing the
36 patient and a designated physician in accordance with guidelines
37 issued under the Mammography Quality Standards Act, 42 USC 263b,
38 and any regulations promulgated pursuant thereto.

39 **SECTION 2.** Section 83-9-108, Mississippi Code of 1972, is
40 amended as follows:

41 83-9-108. (1) Every insurer shall offer in each group or
42 individual policy, contract or certificate of health insurance
43 issued or renewed for persons who are residents of this state,
44 coverage for annual screenings by low-dose mammography for all
45 women thirty-five (35) years of age or older for the presence of
46 occult breast cancer within the provisions of the policy, contract
47 or certificate. This coverage shall be offered on an optional
48 basis, and each primary insured must accept or reject such
49 coverage in writing and accept responsibility for premium payment.

50 (2) Such benefits shall be at least as favorable as for
51 other radiological examinations and subject to the same dollar
52 limits, deductibles and coinsurance factors. For purposes of this
53 section, "low-dose mammography" means the x-ray examination of the
54 breast using equipment dedicated specifically for mammography,
55 including the x-ray tube, filter, compression device, screens,
56 films and cassettes with a radiation exposure which is
57 diagnostically valuable and in keeping with the recommended
58 "Average Patient Exposure Guides" as published by the Conference
59 of Radiation Control Program Directors, Inc.

60 (3) Except for cancer policies, nothing in this section
61 shall apply to accident-only, specified disease, hospital

62 indemnity, Medicare supplement, long-term care or limited benefit
63 health insurance policies.

64 (4) No health coverage plan which is delivered or issued for
65 delivery in this state shall prevent any insured, beneficiary,
66 enrollee, or subscriber from having direct access, without any
67 requirement for specialty referral, to the minimum mammography
68 examination required to be covered by this section.

69 **SECTION 3.** This act shall take effect and be in force from
70 and after July 1, 2005.