



**House  
Legislative  
Analysis  
Section**

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***A SUMMARY OF HOUSE BILLS 4074  
AND 4075 AS INTRODUCED 2-2-89***

The bills would require the licensing of mammography technologists, prohibit the use of unauthorized mammography machines, establish education programs and a grant program to reduce breast cancer deaths, and establish licensing fees for mammography technologists.

House Bill 4074 would add two new parts to the Public Health Code, "Breast Cancer Program" (Part 95) and "Mammography" (Part 168), as well as amend several other sections of the code to conform with the proposed new parts.

Breast Cancer Program. The bill would create a Breast Cancer Mortality Reduction Program in the Department of Public Health (DPH). The program would include:

- Education programs for health professionals to develop state-of-the-art skills in breast cancer screening, diagnosis, referral, treatment, and rehabilitation;
- Programs to help the public understand the benefits of regular breast cancer screening; how to best use the medical care system for breast cancer screening, diagnosis, referral, treatment, and rehabilitation; and what the available options were for the treatment of breast cancer;
- An applied research and community demonstration grant program for local communities to demonstrate and evaluate methods to reduce illness and deaths from breast cancer and economical and effective ways of providing access to breast cancer screening, diagnosis, referral, treatment and rehabilitation services for those at higher than normal risk of breast cancer.

The DPH would be required to report every two years to the House and Senate committees dealing with public health. The report, which would evaluate the effectiveness of the Breast Cancer Mortality Reduction Program, would have to include information on the rate of illness and death from breast cancer in the state and the extent of participation in breast cancer screening.

Regulation of mammography machines. Beginning 60 days after the effective date of the bill, in order for someone to use a radiation machine for mammography, the machine would have to be registered with the DPH under its rules for registration of radiation machines and be specifically authorized under the bill for doing mammography.

The DPH would authorize a radiation machine for mammography if the machine met the mammography accreditation standards set by the American College of Radiology (ACR) and was approved by the department. Within 60 days of the initial authorization of a mammography machine, the department would be required to inspect the machine. After the initial inspection, the department would be required to inspect each authorized mammography machine at least once a year.

**LICENSE MAMMOGRAPHY TECHNOLOGISTS**

**House Bills 4074 and 4075**

Sponsor: Rep. Maxine Berman  
Committee: Public Health  
Complete to 2-27-89

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Upon receiving an application for mammography authorization for a registered radiation machine, the DPH could grant provisional authorization for up to six months. If the evidence submitted to the department that the machine met the ACR standards was not satisfactory or if it was not submitted within six months of the application, the department would withdraw the provisional authorization. Someone who owned more than one machine would be required to have each machine authorized.

When the department authorized a machine, it would issue a "certificate of mammography authorization," and when the department inspected an authorized machine it would issue a "certificate of machine inspection" which would have to be posted near the machine. The inspection certificate would identify the facility and the machine inspected, and provide a record of the dates the machine had been inspected by the department.

The department could withdraw authorization for a machine for a number of reasons, though it would be required to provide the opportunity for a hearing if it did withdraw an authorization. The machine could not be used for mammography and whoever owned the machine could not apply for reinstatement until six months after the authorization had been withdrawn. Someone applying for reinstatement would be required to pay a follow-up inspection fee as well as go through the same application procedure as for a regular authorization.

Authorization for a mammography machine could be withdrawn by the department if:

- (1) The machine, the film (or other "image receptor") used in the machine, and the facility where the machine was used did not meet departmental requirements for radiation machines;
- (2) The machine were not specifically designed to do mammography;
- (3) The machine was not used exclusively to do mammography;
- (4) The machine was used in a facility which did not have a qualified radiation physicist provide on-site consultation (including a complete evaluation of the entire mammography system) to the facility at least once a year and which did not keep records of such consultations for at least seven years;
- (5) The machine did not meet departmental quality assurance standards for mammography equipment and imaging systems;
- (6) The machine was not used in accordance with department rules on patient radiation exposure and radiation dose levels; or
- (7) The machine was not operated by physicians or licensed mammography technologists.

H.B. 4074 & 4075 (2-27-89)

Someone who used an unregistered and unauthorized radiation machine to do a mammography would be guilty of a misdemeanor punishable by a fine of up to \$2,000 and jail for up to 180 days for each violation (though total fines for violations could not be more than \$10,000). In addition, the department could impose an administrative fine of up to \$500 a week for each week the machine were in violation of the bill.

Mammography technologists. The bill would prohibit everyone but licensed mammography technologists and licensed physicians from engaging in the practice of mammography, and would create a Board of Mammography Technologists to establish licensing requirements for mammography technologists.

The eleven-member Board of Mammography Technologists would include:

- two physicians (either medical or osteopathic) who specialized in diagnostic radiology, had completed specific training in mammography technique and interpretation, and had a minimum of five years' experience in interpreting mammography images;
- one physician who specialized in a field other than radiology;
- one medical physicist;
- one public member proficient in educational testing and measurements; and
- six members, appointed by the governor, who either were certified by a national organization that certified or otherwise approved mammography technologists or who had practiced mammography for at least two years immediately preceding their appointment to the board (these members would have three years to become licensed under the bill after the bill went into effect).

In establishing licensing requirements for mammography technologists, the board could adopt requirements substantially equivalent to those set by a national organization that certifies or otherwise approves radiologic technologists. For up to two years after the effective date of the bill, the board could grant licenses to people who had been employed in the practice of mammography for at least three out of the five years immediately preceding the date of application and who passed the licensure examination developed by the board. After that, one of the requirements for licensure that the board would be required to adopt would be that the licensee had completed a mammography education program approved by the board and the Department of Licensing and Regulation and had passed the licensure examination developed by the board.

The board could set continuing education requirements and could require licensees seeking renewals to furnish the board with satisfactory evidence that the licensee had attended continuing education courses or programs approved by the board.

The bill would specifically prohibit mammography technologists from knowingly using a radiation machine to perform a mammography unless the machine was registered and authorized by the DPH in accordance with its rules and the bill.

MCL 333.13501 et al.

House Bill 4075 would amend the State License Fee Act (MCL 338.2201 et al.) to establish the following fees for someone licensed as, or seeking licensure to be, a medical technologist:

Application processing fee	\$ 20
Examination fee	\$100
Annual license fee	\$ 20

The bill is tie-barred to House Bill 4074.