
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1606 Session of
2005

INTRODUCED BY KENNEY, PERZEL, CORNELL, GINGRICH, LEDERER,
MACKERETH, TRUE, WATSON, BENNINGHOFF, McILHATTAN, JAMES,
KOTIK, ROSS, BALDWIN, BEBKO-JONES, BELARDI, BELFANTI, BUXTON,
CALTAGIRONE, CAPPELLI, CAUSER, CLYMER, CRAHALLA, CRUZ,
DeWEESE, DIVEN, FABRIZIO, FRANKEL, FREEMAN, GEORGE, GOOD,
GRUCELA, HARHAI, HENNESSEY, HERMAN, HESS, JOSEPHS, LEACH,
LEVANSKY, MANN, MARKOSEK, MCGILL, MILLARD, MUNDY, NAILOR,
PETRI, PHILLIPS, PISTELLA, PRESTON, READSHAW, SANTONI,
SCAVELLO, SHANER, SHAPIRO, B. SMITH, STERN, E. Z. TAYLOR,
TIGUE, WALKO, WILT, YOUNGBLOOD AND YUDICHAK, JUNE 13, 2005

REFERRED TO COMMITTEE ON HEALTH AND HUMAN SERVICES,
JUNE 13, 2005

AN ACT

1 Providing for free breast and cervical cancer screening services
2 to certain eligible women and for the powers and duties of
3 the Department of Health.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Women's
8 Breast and Cervical Cancer Early Screening Act.

9 Section 2. Legislative findings.

10 The General Assembly finds and declares as follows:

11 (1) Breast cancer is the most commonly diagnosed cancer
12 among women in the nation and this Commonwealth. It is also
13 the second leading cause of female cancer deaths in this
14 Commonwealth.

1 (2) Approximately 10% of women can expect to develop
2 breast cancer in their lifetimes.

3 (3) The American Cancer Society recommends that,
4 beginning at age 40, women receive yearly mammograms.

5 (4) The Centers for Disease Control and Prevention
6 estimates that 11,200 new cases of breast cancer will be
7 diagnosed in women in this Commonwealth in 2004. The
8 Department of Health estimates that approximately 2,300 women
9 will die of this disease in 2004.

10 (5) In 2004 the Department of Health estimates 500 new
11 cases of cervical cancer diagnosed and an estimated 160 women
12 would die of this disease.

13 (6) Studies have shown that the five-year survival rate
14 for breast cancer is 96% if it is detected early. If detected
15 in later stages, the survival rate declines to 21%.

16 (7) The survival rate for a woman found to have
17 precancerous cervical lesions or to have cervical cancer in
18 its earliest stage is almost 100%.

19 (8) In addition to saving lives, breast and cervical
20 cancer screening saves money by early diagnosis when medical
21 conditions are easier and less expensive to treat, thus
22 easing the strain on our already overburdened health care
23 system.

24 (9) Breast and cervical cancer mortality rates are
25 significantly greater among racial and ethnic minority groups
26 as well as in lower income areas.

27 (10) Although women who are insured have access to
28 breast and cervical cancer screening, the Centers for Disease
29 Control and Prevention estimate that there are approximately
30 70,000 women ages 40 to 49 in this Commonwealth without

adequate insurance to cover necessary screening examinations.

(11) Pursuant to Title XV of the Public Health Service Act (58 Stat. 682, 42 U.S.C. § 300k et seq.), Pennsylvania has established a screening program aimed at early detection of breast and cervical cancer in underinsured and uninsured persons, operated by the Department of Health under the approval of the National Breast and Cervical Cancer Early Detection Program of the Centers for Disease Control and Prevention.

(12) The National Breast and Cervical Cancer Early Detection Program operated by the Department of Health is severely underfunded.

Section 3. Purpose.

The purpose of this act is:

(1) To provide at least annual breast cancer screening services to low-income underinsured and uninsured women who are 40 to 49 years of age and to provide annual breast cancer screening services to low-income underinsured and uninsured women who are 50 to 64 years of age.

(2) To provide cervical cancer screening services to women who are 40 to 49 years of age as deemed necessary by the mandates of the National Breast and Cervical Cancer Early Detection Program and by the woman's health care provider.

(3) To supplement and maximize current resources and to expand and increase the services presently offered by the Department of Health through its National Breast and Cervical Cancer Early Detection Program.

Section 4. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the

1 context clearly indicates otherwise:

2 "Annual." Once every year.

3 "Clinical breast examination." A breast examination
4 performed by a health care professional for the purpose of
5 detecting breast cancer.

6 "Department." The Department of Health of the Commonwealth.

7 "Health care provider." A licensed hospital or health care
8 facility, medical equipment supplier or person who is licensed,
9 certified or otherwise regulated to provide health care services
10 under the laws of this Commonwealth.

11 "National Breast and Cervical Cancer Early Detection
12 Program." The National Breast and Cervical Cancer Early
13 Detection Program of the Centers for Disease Control and
14 Prevention established under Title XV of the Public Health
15 Services Act (58 Stat. 682, 42 U.S.C. § 300k et seq.).

16 "Papanicolaou test" or "Pap test." A microscopic examination
17 of cells scraped from the cervix.

18 "Pelvic examination." A physician examination of the uterus,
19 vagina, ovaries, fallopian tubes, bladder and rectum.

20 "Screening mammogram." A radiologic procedure furnished to
21 an asymptomatic woman for the purpose of early detection of
22 breast cancer. The term includes a physician's interpretation of
23 the results of such procedure.

24 "Secretary." The Secretary of Health of the Commonwealth.
25 Section 5. Medical screening program.

26 (a) Administration.--

27 (1) The department shall administer a program to provide
28 at least annual screening mammograms and clinical breast
29 examinations to low-income underinsured and uninsured women
30 who are 40 to 49 years of age and to provide annual screening

1 mammograms and clinical breast examinations to low-income
2 underinsured and uninsured women who are 50 to 64 years of
3 age.

4 (2) The department shall provide Pap tests and pelvic
5 examinations to women who are 40 to 49 years of age as deemed
6 necessary by the mandates of the National Breast and Cervical
7 Cancer Early Detection Program and by the woman's health care
8 provider.

9 (3) The department shall establish this program through
10 its National Breast and Cervical Cancer Early Detection
11 Program or in conjunction with the program.

12 (b) Eligibility.--An individual is eligible for the program
13 if the individual:

14 (1) Has a family income that does not exceed 250% of the
15 Federal poverty level.

16 (2) Does not have access to health insurance coverage
17 that covers screening mammograms, clinical breast
18 examinations, Pap tests and pelvic examinations for women.

19 (3) (i) is 40 to 49 years of age; or

20 (ii) is younger than 40 years of age and has a
21 family or medical history that necessitates annual or
22 biennial breast or cervical cancer screening services.

23 Section 6. Federal funds.

24 The department shall:

25 (1) Structure the program in a manner not to jeopardize
26 Federal funds through the National Breast and Cervical Cancer
27 Early Detection Program.

28 (2) Utilize and seek to maximize the use of Federal
29 funds through the National Breast and Cervical Cancer Early
30 Detection Program.

1 Section 7. Report to General Assembly.

2 The department shall make an annual report to the General
3 Assembly on the implementation of this act.

4 Section 8. Rules and regulations.

5 The department shall administer this act and promulgate such
6 rules and regulations as necessary to implement and enforce the
7 provisions of this act.

8 Section 9. Funding.

9 The General Assembly shall include in the General
10 Appropriation Act an annual appropriation to the department from
11 the General Fund in an amount sufficient to provide necessary
12 screening services for breast or cervical cancer to underinsured
13 and uninsured women pursuant to this act.

14 Section 10. Effective date.

15 This act shall take effect immediately.