

RADIATION MACHINES FOR MAMMOGRAPHY AND RADIATION MACHINE FEES

Phone: (517) 373-8080
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Senate Bill 1042 as passed by the Senate
Sponsor: Sen. Sarah Anthony
House Committee: Health Policy [Discharged]
Senate Committee: Health Policy
Complete to 12-18-24

SUMMARY:

Senate Bill 1042 would amend the Public Health Code to eliminate certain existing statutory requirements concerning the use of radiation machines for mammography and require the Department of Labor and Economic Opportunity (LEO) to develop and issue rules to provide those standards and requirements. The bill also would eliminate a requirement that a patient be notified of a mammogram showing dense breast tissue and eliminate provisions requiring the governor to appoint a radiation advisory board.

The code currently contains several provisions related to the use of radiation machines for mammography. Generally speaking, they require radiation machines used for mammography to be registered with LEO and specifically authorized for use for mammography; provide standards the radiation machine, facility, and personnel must meet to be authorized; require inspection and certification of the machines at least annually; and allow LEO to issue rules to implement those provisions.¹

The bill would retain the registration requirements described above, but would remove the authorization and annual inspection provisions, as well as the prescribed standards, and instead require LEO to issue standards for those machines, facilities, and personnel by rule. To ensure compliance with them, LEO would have to inspect radiation machines at intervals it considers necessary or appropriate, including follow-up inspections of machines found to be out of compliance. In developing its rules, LEO would have to do both of the following:

- Incorporate by reference the standards it determines apply to mammography, including those under the federal Mammography Quality Standards Act of 1992 and its rules that exist when the bill takes effect.² If those standards are revised after the bill is enacted, LEO would have to develop rules to incorporate the revision by reference.
- Specify in the rules the minimum training and performance standards for an individual using a radiation machine for mammography.

The bill would remove current fees related to the inspection of radiation machines for mammography, and it would update references to other fees to reflect their actual current amounts after being adjusted for inflation as required by the code.

¹ <https://www.michigan.gov/leo/bureaus-agencies/miosha/divisions/technical-services-division/rad-safety/mammography>

² <https://www.fda.gov/radiation-emitting-products/mammography-quality-standards-act-mqsa-and-mqsa-program>

Finally, the bills would repeal sections 13524 and 13531 of the code. Section 13524 now requires patient notification of a mammogram demonstrating dense breast tissue.³ Section 13531 now requires the appointment of a radiation advisory board.

MCL 333.13501 et seq. and MCL 333.13524 and 333.13531 (repealed)

FISCAL IMPACT:

Senate Bill 1042 would not have a fiscal impact on any units of state or local government. The bill would align fees with amounts that are already assessed by the Department of Labor and Economic Opportunity.

Legislative Analyst: Rick Yuille
Fiscal Analysts: Marcus Coffin
Kent Dell

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

³ <https://www.michigan.gov/leo/bureaus-agencies/miosha/divisions/technical-services-division/rad-safety/mammography/breast-density-patient-notification-requirement>