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104TH CONGRESS
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H. R. 882

To amend title 38, United States Code, to require the establishment of mammography quality standards to be applicable to the performance of mammograms by the Department of Veterans Affairs.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 1995

Mr. QUINN introduced the following bill; which was referred to the Committee on Veterans' Affairs

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A BILL

To amend title 38, United States Code, to require the establishment of mammography quality standards to be applicable to the performance of mammograms by the Department of Veterans Affairs.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Department of Veterans Affairs Mammography Quality Standards Act''.

SEC. 2. MAMMOGRAPHY QUALITY STANDARDS.

(a) IN GENERAL.—(1) Subchapter II of chapter 73 is amended by adding at the end the following new section:

"§ 7319. Mammography quality standards

''(a) A mammogram may not be performed at a Department facility unless that facility is accredited for that purpose by a private nonprofit organization designated by the Secretary. An organization designated by the Secretary under this subsection shall meet the standards for accrediting bodies established under section 354(e) of the Public Health Service Act (42 U.S.C. 263b(e)).

''(b) The Secretary, in consultation with the Secretary of Health and Human Services, shall prescribe quality assurance and quality control standards relating to the performance and interpretation of mammograms and use of mammogram equipment and facilities of the Department of Veterans Affairs consistent with the requirements of section 354(f)(1) of the Public Health Service Act. Such standards shall be no less stringent than the standards prescribed by the Secretary of Health and Human Services under section 354(f) of the Public Health Service Act.

''(c)(1) The Secretary, to ensure compliance with the standards prescribed under subsection (b), shall provide for an annual inspection of the equipment and facilities used by and in Department health care facilities for the performance of mammograms. Such inspections shall be carried out in a manner consistent with the inspection of certified facilities by the Secretary of Health and Human

Services under section 354(g) of the Public Health Service Act.

''(2) The Secretary may not provide for an inspection under paragraph (1) to be performed by a State agency.

''(d) The Secretary shall ensure that mammograms performed for the Department under contract with any non-Department facility or provider conform to the quality standards prescribed by the Secretary of Health and Human Services under section 354 of the Public Health Service Act.

''(e) For the purposes of this section, the term 'mammogram' has the meaning given such term in paragraph (5) of section 354(a) of the Public Health Service Act (42 U.S.C. 263b(a)).''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7318 the following new item:

''7319. Mammography quality standards.''.

(b) DEADLINE FOR PRESCRIBING STANDARDS.—The Secretary of Veterans Affairs shall prescribe standards under subsection (b) of section 7319 of title 38, United States Code, as added by subsection (a), not later than the end of the 120-day period beginning on the later of—

(1) the date on which the Secretary of Health and Human Services prescribes quality standards

under section 354(f) of the Public Health Service Act (42 U.S.C. 263b(f)); or

(2) the date of the enactment of this Act.

(c) TRANSITION.—(1) Subsection (a) of section 7319 of title 38, United States Code, as added by subsection (a), shall take effect on the date on which standards are prescribed by the Secretary of Veterans Affairs under subsection (b) of that section.

(2) During the transition period, the Secretary of Veterans Affairs may waive the requirement of subsection (a) of section 7319 of title 38, United States Code, as added by subsection (a), to any facility of the Department. The Secretary may provide such a waiver in the case of any facility only if the Secretary determines, based upon the recommendation of the Under Secretary for Health of the Department of Veterans Affairs, that during the period such a waiver is in effect for such facility (including any extension of the waiver under paragraph (3)) the facility will be operated in accordance with standards prescribed by the Secretary under subsection (b) of such section to assure the safety and accuracy of mammography services provided.

(3) The transition period for purposes of this section is the six-month period beginning on the date specified in paragraph (1). The Secretary may extend such period for

a period not to exceed 90 days in the case of any Department facility. Any such extension may be made only if the Under Secretary for Health determines that—

(A) without the extension access of veterans to mammography services in the geographic area served by the facility would be significantly reduced; and

(B) appropriate steps will be taken before the end of the transition period (as extended) to obtain accreditation of the facility as required by subsection (a) of section 7319 of title 38, United States Code, as added by subsection (a).

(d) IMPLEMENTATION REPORT.—The Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's implementation of section 7319 of title 38, United States Code, as added by subsection (a). The report shall be submitted not later than 180 days after the date on which the Secretary prescribes the quality standards required under subsection (b) of that section.

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