

CR 92-137

RECEIVED

DEC 10 1992

3:10
Revisor of Statutes
Bureau

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Gerald Whitburn, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to rural counties participating in the Wisconsin Breast Cancer Screening Project were duly approved and adopted by this Department on December 10, 1992.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 10th day of December, 1992.



SEAL:

Gerald Whitburn, Secretary
Department of Health and Social Services

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
ADOPTING RULES

To create HSS 148, relating to rural counties participating in the Wisconsin Breast Cancer Screening Project.

Analysis Prepared by the Department of Health and Social Services

Periodic X-ray screening of women age 40 and over for breast cancer is a proven means of lowering mortality from breast cancer through early identification and treatment before the disease has spread beyond that organ. But this screening service is not always available and accessible in rural counties of Wisconsin.

A recent session law, 1989 Wisconsin Act 336, created a breast cancer screening program to ensure that women who live in the 12 rural counties in the state with the highest incidence of late-stage breast cancer have access to breast cancer screening services. This is a program of grants to providers of those services to enable them to provide breast cancer screening, also called mammography services, to women age 40 and over in the 12 counties, at no cost to those women who do not have a third party payer and have incomes at or below 150% of the federal poverty line. The counties were named in the new statute. However, the Legislature, through 1991 Wisconsin Act 269, amended s. 146.0275, Stats., so that the counties are no longer specified in statute and directed the Department to specify them in rules. The Legislature realized that the list of counties will likely change over time, that it is a matter of objective determination, and that it can more easily be kept up to date by the Department through rule change.

These rules identify the 12 rural counties in the state with the highest incidence of late-stage breast cancer for purposes of funding a program in each of those counties to provide screening mammography services to women age 40 and over who live there. The Department in the rules has defined "rural county" and has identified the counties of highest incidence by using data available from the cancer reporting required under s. 46.73, Stats., and other data resources available to the Department. The list of counties is apt to change from time to time. When it does the Department will amend the rules.

The Department's authority to create these rules is found in s. 146.0275 (2)(a), Stats., as affected by 1991 Wisconsin Acts 39 and 269, s. 146.0275(3), Stats., as created by 1991 Wisconsin Act 269, and s. 227.11(2), Stats. The rules interpret s. 146.0275(2)(a), Stats., as affected by 1991 Wisconsin Acts 39 and 269, as follows:

SECTION 1. HSS 148 is created to read:

CHAPTER HSS 148

RURAL COUNTIES PARTICIPATING IN
THE WISCONSIN BREAST CANCER SCREENING PROJECT

- HSS 148.01 Authority and purpose
- HSS 148.02 Applicability
- HSS 148.03 Definitions
- HSS 148.04 Identification of counties
- HSS 148.05 Grantee

HSS 148.01 AUTHORITY AND PURPOSE. This chapter is promulgated by the department under the authority of ss. 146.0275(2)(a) and (3) and 227.11(2), Stats., to identify the 12 rural counties in the state that have the highest incidence of late-stage breast cancer for the purpose of making grants from the appropriation under s. 20.435(1)(cd), Stats., to applying hospitals, nonprofit corporations or public agencies providing or willing to provide mammography services to women 40 years of age or older in those counties.

HSS 148.02 APPLICABILITY. This chapter applies to the department and to recipients of Wisconsin breast cancer screening project grants.

HSS 148.03 DEFINITIONS. In this chapter:

(1) "Late-stage breast cancer" means a tumor that has extended beyond the limits of the breast into:

- (a) Surrounding organs or tissues;
- (b) By direct extension, regular lymph nodes by metastasis; or
- (c) Parts of the body remote from the breast.

(2) "Mammography" means the making of an X-ray film record of the breast for the purpose of enabling a physician to determine the presence, size, location and extent of cancerous or potentially cancerous tissue in the breast.

(3) "Rural county" means any county that does not have within it an entire city, village or town that has a population of more than 20,000.

(4) "Wisconsin breast cancer screening project" means the grant program under s. 146.0275, Stats.

HSS 148.04 IDENTIFICATION OF COUNTIES. The 12 rural counties in Wisconsin with the highest incidence of late-stage breast cancer are the following:

- (1) Adams;
- (2) Clark;

- (3) Dunn;
- (4) Iron;
- (5) Kewaunee;
- (6) Langlade;
- (7) Marquette;
- (8) Oconto;
- (9) Price;
- (10) Taylor;
- (11) Trempeleau; and
- (12) Wood.

HSS 148.05 GRANTEE. (1) APPLICATION. A hospital as defined under s. 50.33(2), Stats., a nonprofit corporation or a public agency that has a mammography unit available for use in a county or counties under s. HSS 148.04 may apply for a grant to provide mammography services to women who are 40 years of age or older and reside in that county or counties.

Note: For information about applying for a grant, write Bureau of Public Health, P.O.Box 309, Madison, Wisconsin 53701-0309.

(2) RECORDS AND REPORTS. All recipients of a Wisconsin breast cancer screening project grant shall maintain records of the project supported by the grant and shall submit to the department reports as specified by the department. Failure to maintain the records or to submit the reports may result in termination of the award.

The rules contained in this order shall take effect on the first day of the month following their publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Wisconsin Department of Health and
Social Services

Dated: December 10, 1992

By: 

Gerald Whitburn
Secretary

SEAL: