§ 2404-d. Breast cancer; duty to provide extended hours. 1. Applicability. This section shall apply to any general hospital or extension clinic that is certified as a mammography facility pursuant to the federal mammography quality standards act (MQSA).

2. Extended service hours. Any general hospital or extension clinic certified as a mammography facility pursuant to the MQSA shall provide extended hours, i.e. in the early morning, evening, or weekend hours, for screening mammography services. Extended hours for screening mammography services shall be provided on at least two days each week, for at least two hours each day offered, for a total of at least four hours each week, including but not limited to the following times:

(a) Monday through Friday, between the hours of 7:00 AM and 9:00 AM;

(b) Monday through Friday, between the hours of 5:00 PM and 7:00 PM; or

(c) Saturday or Sunday, between the hours of 9:00 AM and 5:00 PM.

3. Waiver. (a) A facility may submit an application for a waiver from the requirements of this section, in whole or in part, if it can demonstrate, to the department's satisfaction, that the facility:

(i) does not have sufficient staff to provide extended hours for screening mammography services in accordance with this section, and that it is making diligent efforts to obtain staffing such that it can provide extended hours;

(ii) is in the process of discontinuing screening mammography services, as part of a consolidation or similar change; or

(iii) is subject to such other hardships as the department deems appropriate.

(b) The department may deny, grant or extend a waiver pursuant to paragraph (a) of this subdivision for ninety days, or more if the department determines appropriate, in its sole discretion.