S T A T E O F N E W Y O R K

281

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the public health law, in relation to establishing the lung cancer early detection research pilot program; and making an appropriation therefor

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public health law is amended by adding a new article 20-B to read as follows:

ARTICLE 20-B

LUNG CANCER EARLY DETECTION RESEARCH PILOT PROGRAM

SECTION 2010. LUNG CANCER EARLY DETECTION RESEARCH PILOT PROGRAM.

S 2010. LUNG CANCER EARLY DETECTION RESEARCH PILOT PROGRAM. 1. THE COMMISSIONER SHALL AWARD NOT LESS THAN TEN COMPETITIVE GRANTS TO PUBLIC AND NON-PROFIT PRIVATE ENTITIES TO ENABLE SUCH ENTITIES TO ESTABLISH PILOT PROGRAMS PURSUANT TO THIS ARTICLE TO CARRY OUT LUNG CANCER EARLY DETECTION RESEARCH USING COMPUTER TOMOGRAPHY (CT) SCANNING WITHIN A HIGH RISK POPULATION UTILIZING THE COMPREHENSIVE PROTOCOL THAT ENCOMPASSES PRE-DIAGNOSIS AND POST-DIAGNOSIS, THAT WAS DEVELOPED UNDER BEST PUBLISHED CLINICAL PRACTICES, AND THAT WAS ESTABLISHED BY THE MULTI-INSTITUTIONAL, MULTI-DISCIPLINARY RESEARCH PROGRAM THAT BEGAN AT TWENTY-TWO SITES IN THE STATE IN THE YEAR NINETEEN HUNDRED NINETY-ONE AND WAS INITIATED AS A NATIONAL AND INTERNATIONAL PROGRAM IN THE YEAR NINETEEN HUNDRED NINETY-THREE, PROVIDED THAT:

(A) NO LESS THAN FIFTY PERCENT OF THE PARTICIPANTS HAVE FAMILY INCOME BELOW ONE HUNDRED FIFTY PERCENT OF THE FEDERAL POVERTY LEVEL; AND

(B) ALL GRANTEES AGREE TO ADOPT THE PROTOCOL AND PARTICIPATE IN THE PROGRAM ESTABLISHED IN THIS SECTION.

2. SUCH PILOT PROGRAM SHALL CONTINUE AND ENHANCE THE RESEARCH INITIATED BY THE PROGRAM REFERRED TO IN SUBDIVISION ONE OF THIS SECTION INTO

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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ALL ASPECTS OF EARLY DETECTION AND DISEASE MANAGEMENT, THE INCORPORATION OF TECHNOLOGICAL ADVANCES IN IMAGING AND THE DEVELOPMENT OF COMPUTER ASSISTED DIAGNOSTIC TOOLS, AND SHALL INCLUDE THE PROVISION OF APPROPRIATE REFERRAL AND CASE MANAGEMENT FOR THE MEDICAL TREATMENT OF INDIVIDUALS SCREENED PURSUANT TO THIS SECTION TO ENSURE APPROPRIATE FOLLOW-UP SERVICES FOR ABNORMAL TESTS, DIAGNOSTIC AND THERAPEUTIC SERVICES, AND TREATMENT FOR DETECTED CANCERS SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

3. FOR THE PURPOSES OF THIS SECTION, "HIGH RISK POPULATION" MEANS THOSE INDIVIDUALS OVER THE AGE OF FIFTY YEARS WITH A SMOKING HISTORY OF TWENTY PACK YEARS OR A FAMILY HISTORY OF LUNG CANCER, OR THOSE INDIVIDUALS WHOSE OCCUPATION OR MILITARY SERVICE EXPOSED THEM TO ASBESTOS, AGENT ORANGE AND OTHER HERBICIDES, BERYLLIUM, RADON, NUCLEAR FUELS OR WASTE, DEPLETED URANIUM OR OTHER LUNG CANCER CARCINOGENS.

4. (A) AN ENTITY MUST AGREE TO ADOPT THE PROTOCOL REFERRED TO IN SUBDIVISION ONE OF THIS SECTION FOR SELECTING PARTICIPANTS, THE SCANNING EQUIPMENT, PERSONNEL INVOLVED IN THE SCANNING AND DIAGNOSES, THE METHOD OF DIAGNOSING THE SCANS AND THE FOLLOW-UP PROCEDURES AND RESEARCH PROGRAMS.

(B) AN ENTITY SHALL AGREE TO COLLECT, TRANSMIT AND PRESERVE IMAGING DATA AS REQUIRED UNDER THE I-ELCAP PROTOCOL.

(C) AN ENTITY SHALL AGREE THAT THE ENTITY WILL:

(I) ESTABLISH SUCH FISCAL CONTROL AND FUND ACCOUNTING PROCEDURES AS MAY BE NECESSARY TO ENSURE PROPER DISBURSAL OF AND ACCOUNTING FOR AMOUNTS RECEIVED UNDER THIS SECTION; AND

(II) PROVIDE AGREED UPON ANNUAL REPORTS TO THE COMMISSIONER FOR THE PURPOSES OF AUDITING THE EXPENDITURES OF THE ENTITY.

5. TO BE ELIGIBLE FOR A GRANT PURSUANT TO THIS SECTION, AN ENTITY SHALL AGREE TO SUBMIT TO THE COMMISSIONER SUCH REPORTS AS THE COMMISSIONER DEEMS APPROPRIATE.

S 2. The sum of ten million dollars ($10,000,000) or so much thereof as may be necessary, is hereby appropriated to the department of health out of any moneys in the health care reform act resources fund, established pursuant to section 92-dd of the state finance law, to the credit of the tobacco control and insurance initiatives pool, not otherwise appropriated, and made immediately available, for the purposes of carrying out the provisions of article 20-B of the public health law, as added by section one of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of health in the manner prescribed by law.

S 3. This act shall take effect on the thirtieth day after it shall have become a law.