

2009-2010 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2009

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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:

1     Section 1. The public health law is amended by adding a new article  
2     20-B to read as follows:

3                                 ARTICLE 20-B

4                 LUNG CANCER EARLY DETECTION RESEARCH PILOT PROGRAM

5     SECTION 2010. LUNG CANCER EARLY DETECTION RESEARCH PILOT PROGRAM.

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

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

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

22    2. SUCH PILOT PROGRAM SHALL CONTINUE AND ENHANCE THE RESEARCH INITI-  
23    ATED 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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1 ALL ASPECTS OF EARLY DETECTION AND DISEASE MANAGEMENT, THE INCORPORATION  
2 OF TECHNOLOGICAL ADVANCES IN IMAGING AND THE DEVELOPMENT OF COMPUTER  
3 ASSISTED DIAGNOSTIC TOOLS, AND SHALL INCLUDE THE PROVISION OF APPROPRI-  
4 ATE REFERRAL AND CASE MANAGEMENT FOR THE MEDICAL TREATMENT OF INDIVID-  
5 UALS SCREENED PURSUANT TO THIS SECTION TO ENSURE APPROPRIATE FOLLOW-UP  
6 SERVICES FOR ABNORMAL TESTS, DIAGNOSTIC AND THERAPEUTIC SERVICES, AND  
7 TREATMENT FOR DETECTED CANCERS SUBJECT TO THE REQUIREMENTS OF THIS  
8 SECTION.

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

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

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

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

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

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

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

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

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