

2009-2010 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 7, 2009

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Introduced by M. of A. GREENE, PHEFFER, JAFFEE, MILLMAN -- Multi-Sponsored by -- M. of A. DESTITO, GLICK, PAULIN, PEOPLES -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to the lupus education and outreach 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. Legislative intent. The legislature hereby finds the  
2 following:
- 3     (a) Lupus is a serious, complex, debilitating autoimmune disease that  
4 can cause inflammation and tissue damage to virtually any organ system  
5 in the body, including the skin, joints, other connective tissue, blood  
6 and blood vessels, heart, lungs, kidney, and brain.
- 7     (b) Lupus research estimates that approximately one and a half to two  
8 million Americans live with some form of lupus; lupus affects women nine  
9 times more often than men and eighty percent of newly diagnosed cases of  
10 lupus develop among women of childbearing age.
- 11     (c) Lupus disproportionately affects women of color -- it is two to  
12 three times more common among African-Americans, Hispanics, Asians and  
13 Native Americans and is generally more prevalent in minority populations  
14 -- a health disparity that remains unexplained. According to the Centers  
15 for Disease Control and Prevention the rate of lupus mortality has  
16 increased since the late 1970s and is higher among older African-American  
17 women.
- 18     (d) No new drugs have been approved by the U.S. Food and Drug Administration  
19 specifically for lupus in nearly forty years and while current  
20 treatments for the disease can be effective, they can lead to damaging  
21 side effects.
- 22     (e) The pain and fatigue associated with lupus can threaten people's  
23 ability to live independently, make it difficult to maintain employment

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

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1 and lead normal lives, and one in five people with lupus is disabled by  
2 the disease, and consequently receives support from government programs,  
3 including Medicare, Medicaid, social security disability, and social  
4 security supplemental income.

5 (f) The estimated average annual cost of medical treatment for an  
6 individual with lupus can range between ten thousand dollars and thirty  
7 thousand dollars; for people who have the most serious form of lupus,  
8 medical costs can greatly exceed this amount, causing a significant  
9 economic, emotional and social burden to the entire family and society.

10 (g) More than half of the people with lupus suffer four or more years  
11 and visit three or more physicians before obtaining a diagnosis of  
12 lupus; early diagnosis of and commencement of treatment for lupus can  
13 prevent or reduce serious organ damage, disability, and death.

14 (h) Despite the magnitude of lupus and its impact on individuals and  
15 families, health professional and public understanding of lupus remains  
16 low; only one of five Americans can provide even basic information about  
17 lupus, and awareness of lupus is lowest among adults ages eighteen to  
18 thirty-four -- the age group most likely to develop symptoms of lupus.

19 (i) Lupus is a significant national health issue that deserves a  
20 comprehensive and coordinated response by state and federal governments  
21 with involvement of the health care provider, patient, and public health  
22 communities.

23 S 2. Subdivision 1 of section 207 of the public health law is amended  
24 by adding a new paragraph (g) to read as follows:

25 (G) LUPUS, A DEBILITATING AUTOIMMUNE DISEASE THAT CAN CAUSE INFLAMMA-  
26 TION AND TISSUE DAMAGE TO VIRTUALLY ANY ORGAN SYSTEM IN THE BODY,  
27 INCLUDING THE SKIN, JOINTS, OTHER CONNECTIVE TISSUE, BLOOD AND BLOOD  
28 VESSELS, HEART, LUNG, KIDNEY AND BRAIN, AND WHICH AFFECTS WOMEN, PARTIC-  
29 ULARLY WOMEN OF COLOR, IN A DISPROPORTIONATE MANNER; PROVIDED THAT THE  
30 PROGRAM SHALL INCLUDE AN ADVISORY COUNCIL UNDER THIS SECTION THAT SHALL  
31 INCLUDE REPRESENTATIVES OF PEOPLE WITH LUPUS AND THEIR FAMILIES AND  
32 HEALTH CARE PROVIDERS WHO SPECIALIZE IN TREATING LUPUS, AMONG OTHERS.

33 S 3. Subdivision 7 of section 207 of the public health law, as added  
34 by chapter 414 of the laws of 2005, is amended to read as follows:

35 7. In addition to state funds appropriated for programs under this  
36 section, the commissioner may accept grants from public or private  
37 sources for these programs. The commissioner, in administering this  
38 section, shall seek to coordinate the department's programs with other  
39 public and private programs, and may undertake joint or cooperative  
40 programs with other public or private entities, INCLUDING MAKING GRANTS  
41 (WITHIN AMOUNTS APPROPRIATED THEREFOR AND CONSISTENT WITH APPLICABLE  
42 LAW) TO PUBLIC OR NOT-FOR-PROFIT ENTITIES.

43 S 4. The sum of two hundred fifty thousand dollars (\$250,000.00), or  
44 so much thereof as may be necessary, is hereby appropriated to the  
45 department of health out of any moneys in the state treasury in the  
46 general fund to the credit of the state purposes account, not otherwise  
47 appropriated, and made immediately available, for the purpose of carry-  
48 ing out the provisions of this act. Such moneys shall be payable on the  
49 audit and warrant of the comptroller on vouchers certified or approved  
50 by the commissioner of health in the manner prescribed by law.

51 S 5. This act shall take effect immediately.