

2009-2010 Regular Sessions

IN SENATE

(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:

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.

LBD00431-01-9

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.