

1 AN ACT relating to lung cancer screening and making an appropriation therefor.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in Sections 1 to 4 of this Act:

6 (a) "Department" means the Department for Public Health in the Cabinet for
7 Health and Family Services; and

8 (b) "Program" means the Lung Cancer Screening and Prevention Program.

9 (2) The Lung Cancer Screening and Prevention Program is hereby established
10 within the department for the purpose of:

11 (a) Increasing lung cancer screening;

12 (b) Reducing morbidity and mortality from lung cancer; and

13 (c) Reducing the cost of treating lung cancer among citizens of the
14 Commonwealth.

15 (3) The requirements of Sections 1 to 4 of this Act shall be limited to the amount of
16 appropriations to the department for the Lung Cancer Screening and Prevention
17 Program.

18 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO
19 READ AS FOLLOWS:

20 (1) The program shall provide lung cancer screening for uninsured and
21 underinsured individuals who are eligible based upon the current guidelines and
22 recommendations issued by the United States Preventive Services Task Force.

23 (2) Services provided under the program may be undertaken by private contract for
24 services or operated by the department. The program may also provide referral,
25 examination, and rescreening services for the benefit of uninsured and
26 underinsured individuals for whom further examination or treatment is indicated
27 by the lung cancer screening. Lung cancer treatment and surveillance may be

1 provided to uninsured and underinsured individuals if program funding is
 2 available.

3 (3) The department shall adopt a schedule of income-based fees that may be charged
 4 for lung cancer screening, examination, surveillance, treatment, and rescreening
 5 for uninsured and underinsured individuals. The schedule adopted shall be such
 6 that the screening, examination, and rescreening is affordable and accessible to
 7 the largest possible number of uninsured and underinsured individuals
 8 throughout the Commonwealth.

9 (4) The department may accept any grant or award of funds from federal or private
 10 sources to implement this section.

11 (5) The department shall establish a data collection system, including the number of
 12 individuals screened, the demographic characteristics of the individuals screened,
 13 and the types of lung cancer screening tests, examinations, surveillance,
 14 treatments, and rescreening services performed under the program.

15 (6) The department shall promulgate administrative regulations in accordance with
 16 KRS Chapter 13A to implement this section, including:

17 (a) A schedule of income-based fees that may be charged for lung cancer
 18 screening, examination, surveillance, treatment, and rescreening as
 19 required by subsection (3) of this section; and

20 (b) A data collection system as required by subsection (5) of this section.

21 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO
 22 READ AS FOLLOWS:

23 (1) (a) There is hereby created a restricted fund to be known as the Kentucky Lung
 24 Cancer Screening and Prevention Program fund.

25 (b) The fund shall be administered by the Finance and Administration Cabinet.

26 (c) The fund shall include moneys:

27 1. Appropriated by the General Assembly for the purpose of the Lung

- 1 *Cancer Screening and Prevention Program;*
- 2 *2. Collected under Section 2 of this Act; and*
- 3 *3. Distributed by the Transportation Cabinet from sales of special lung*
- 4 *cancer prevention license plates.*
- 5 *(2) Moneys in the fund shall be used by the department to administer Sections 1 to 4*
- 6 *of this Act.*
- 7 *(3) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of*
- 8 *the fiscal year shall not lapse but shall be carried forward into the succeeding*
- 9 *fiscal year to be used solely for the purposes established in subsection (2) of this*
- 10 *section.*
- 11 *(4) Interest earned on any moneys in the fund shall accrue to the fund.*
- 12 *(5) Moneys in the fund are hereby appropriated solely for the purposes set forth in*
- 13 *Sections 1 to 4 of this Act.*
- 14 ➔SECTION 4. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO
- 15 READ AS FOLLOWS:
- 16 *(1) A Lung Cancer Screening and Prevention Advisory Committee is hereby*
- 17 *established. The advisory committee shall include:*
- 18 *(a) One (1) member of the House of Representatives who shall be appointed by*
- 19 *and serve at the pleasure of the Speaker of the House;*
- 20 *(b) One (1) member of the Senate who shall be appointed by and serve at the*
- 21 *pleasure of the President of the Senate;*
- 22 *(c) The deputy commissioner of the Department for Public Health;*
- 23 *(d) The commissioner of the Department of Insurance, or his or her designee;*
- 24 *(e) The commissioner of the Department for Medicaid Services, or his or her*
- 25 *designee;*
- 26 *(f) Two (2) at-large members who shall be appointed by the Governor;*
- 27 *(g) One (1) member who shall be appointed by the Governor from a list of three*

- 1 (3) names provided by the American Cancer Society;
- 2 (h) The director of the Kentucky Cancer Program at the University of
- 3 Kentucky;
- 4 (i) The director of the Kentucky Cancer Program at the University of
- 5 Louisville;
- 6 (j) The director of the Kentucky Cancer Registry;
- 7 (k) The director of the American Lung Association of Kentucky;
- 8 (l) The chair of Kentucky African Americans Against Cancer; and
- 9 (m) The director of the Kentucky Cancer Consortium.
- 10 (2) (a) Members appointed under subsection (1)(f) and (g) of this section shall be
- 11 appointed for a term of four (4) years, and members shall not serve more
- 12 than two (2) terms of four (4) years.
- 13 (b) Members serving under subsection (1)(c) to (e) and (h) to (m) of this section
- 14 shall serve by virtue of their positions and shall not be subject to term limits.
- 15 (3) The chair of the advisory committee shall be elected from the membership of the
- 16 advisory committee to serve for a two (2) year term. A member of the advisory
- 17 committee may designate an alternate to attend meetings in his or her place.
- 18 (4) The advisory committee may add members from other organizations as deemed
- 19 appropriate.
- 20 (5) The advisory committee shall provide recommendations for the overall
- 21 implementation and conduct of the program.
- 22 (6) The advisory committee shall establish and provide oversight for a lung cancer
- 23 screening public awareness campaign. The Cabinet for Health and Family
- 24 Services shall contract with the Kentucky Cancer Consortium at the University of
- 25 Kentucky to provide the required support. The amount of the contract shall not be
- 26 included in the base budget of the university as used by the Council on
- 27 Postsecondary Education in determining the funding formula for the university.

- 1 (7) The advisory committee shall provide an annual report on implementation and
2 outcomes from the program and recommendations to the Legislative Research
3 Commission, the Interim Joint Committee on Health, Welfare, and Family
4 Services, the Interim Joint Committee on Appropriations and Revenue, the
5 Governor, the secretary of the Cabinet for Health and Family Services, and the
6 commissioner of the Department for Public Health.
- 7 (8) The Kentucky Cancer Program, jointly administered by the University of
8 Kentucky and the University of Louisville, shall establish a lung cancer
9 screening, education, and outreach program in each of the state area
10 development districts. The lung cancer screening, education, and outreach
11 programs shall focus on individuals who lack access to lung cancer screening.
12 The Cabinet for Health and Family Services shall contract with the University of
13 Louisville and the University of Kentucky to provide the required support. The
14 amount of the contract shall not be included in the base budgets of the
15 universities as used by the Council on Postsecondary Education in determining
16 the funding formula for the universities.