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

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

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

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

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

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

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

(a) Increasing lung cancer screening;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The fund shall include moneys:

1. Appropriated by the General Assembly for the purpose of the Lung
Cancer Screening and Prevention Program;

2. Collected under Section 2 of this Act; and

3. Distributed by the Transportation Cabinet from sales of special lung cancer prevention license plates.

(2) Moneys in the fund shall be used by the department to administer Sections 1 to 4 of this Act.

(3) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year to be used solely for the purposes established in subsection (2) of this section.

(4) Interest earned on any moneys in the fund shall accrue to the fund.

(5) Moneys in the fund are hereby appropriated solely for the purposes set forth in Sections 1 to 4 of this Act.

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

(1) A Lung Cancer Screening and Prevention Advisory Committee is hereby established. The advisory committee shall include:

(a) One (1) member of the House of Representatives who shall be appointed by and serve at the pleasure of the Speaker of the House;

(b) One (1) member of the Senate who shall be appointed by and serve at the pleasure of the President of the Senate;

(c) The deputy commissioner of the Department for Public Health;

(d) The commissioner of the Department of Insurance, or his or her designee;

(e) The commissioner of the Department for Medicaid Services, or his or her designee;

(f) Two (2) at-large members who shall be appointed by the Governor;

(g) One (1) member who shall be appointed by the Governor from a list of three
(3) names provided by the American Cancer Society;

(h) The director of the Kentucky Cancer Program at the University of Kentucky;

(i) The director of the Kentucky Cancer Program at the University of Louisville;

(j) The director of the Kentucky Cancer Registry;

(k) The director of the American Lung Association of Kentucky;

(l) The chair of Kentucky African Americans Against Cancer; and

(m) The director of the Kentucky Cancer Consortium.

(2) (a) Members appointed under subsection (1)(f) and (g) of this section shall be appointed for a term of four (4) years, and members shall not serve more than two (2) terms of four (4) years.

(b) Members serving under subsection (1)(c) to (e) and (h) to (m) of this section shall serve by virtue of their positions and shall not be subject to term limits.

(3) The chair of the advisory committee shall be elected from the membership of the advisory committee to serve for a two (2) year term. A member of the advisory committee may designate an alternate to attend meetings in his or her place.

(4) The advisory committee may add members from other organizations as deemed appropriate.

(5) The advisory committee shall provide recommendations for the overall implementation and conduct of the program.

(6) The advisory committee shall establish and provide oversight for a lung cancer screening public awareness campaign. The Cabinet for Health and Family Services shall contract with the Kentucky Cancer Consortium at the University of Kentucky to provide the required support. The amount of the contract shall not be included in the base budget of the university as used by the Council on Postsecondary Education in determining the funding formula for the university.
(7) The advisory committee shall provide an annual report on implementation and outcomes from the program and recommendations to the Legislative Research Commission, the Interim Joint Committee on Health, Welfare, and Family Services, the Interim Joint Committee on Appropriations and Revenue, the Governor, the secretary of the Cabinet for Health and Family Services, and the commissioner of the Department for Public Health.

(8) The Kentucky Cancer Program, jointly administered by the University of Kentucky and the University of Louisville, shall establish a lung cancer screening, education, and outreach program in each of the state area development districts. The lung cancer screening, education, and outreach programs shall focus on individuals who lack access to lung cancer screening. The Cabinet for Health and Family Services shall contract with the University of Louisville and the University of Kentucky to provide the required support. The amount of the contract shall not be included in the base budgets of the universities as used by the Council on Postsecondary Education in determining the funding formula for the universities.