STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 741 By: Dunlap

AS INTRODUCED

An Act relating to public health and safety; amending Section 3, Chapter 288, O.S.L. 1994, as amended by Section 3, Chapter 210, O.S.L. 1998, and as renumbered by Section 9, Chapter 210, O.S.L. 1998, Section 4, Chapter 288, O.S.L. 1994, as last amended by Section 4, Chapter 210, O.S.L. 1998, and as renumbered by Section 9, Chapter 210, O.S.L. 1998, and Section 5, Chapter 210, O.S.L. 1998 (63 O.S. Supp. 2000, Sections 1-555, 1-556 and 1-557), which relate to the Oklahoma Breast Cancer Prevention and Treatment Advisory Committee; clarifying and deleting obsolete references; expanding and clarifying duties and functions of the Committee and areas for contract review and recommendation; requiring monies be budgeted and expended pursuant to recommendations and approval of specified entity; providing for promulgation of rules by the Oklahoma Health Care Authority Board; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 3, Chapter 288, O.S.L. 1994, as amended by Section 3, Chapter 210, O.S.L. 1998, and as renumbered by Section 9, Chapter 210, O.S.L. 1998 (63 O.S. Supp. 2000, Section 1-555), is amended to read as follows:

Section 1-555. A. There is hereby created the "Oklahoma Breast Cancer Prevention and Treatment Advisory Committee" within the State Department of Health. The Committee shall consist of sixteen (16) members and be advisory to the State Department of Health.

B. Members of the Committee shall be appointed as follows:

1. Four members appointed by the Governor, of which at least two members shall represent organizations which are at the time of the appointment advocating statewide for the enhanced prevention or treatment or early detection of breast cancer in Oklahoma;

2. Four members appointed by the Speaker of the House of Representatives, of which at least two members shall be breast cancer survivors and one shall be a medical director of a breast center in Oklahoma;

3. Four members appointed by the President Pro Tempore of the Senate, of which at least two members shall be family members of a person who has died of breast cancer or conditions related to breast cancer and one shall be a medical director of a breast center in Oklahoma; and

4. The State Commissioner of Health shall appoint four members who shall be appointed for their outstanding contributions in breast or cervical cancer treatment, research, prevention, or advocacy in Oklahoma.

C. Appointments to the Committee shall be made to provide the Committee with a geographically, economically, and ethnically diverse composition. Associations and advocacy groups may provide appointing authorities lists from which they may select appointments.

D. Those persons serving as members of the Committee on June 30, 1998, shall cease to be members of the Committee on July 1, 1998, unless appointed to serve terms starting July 1, 1998.

E. Members of the Committee shall serve a four-year term and may be reappointed. The Committee shall elect from among its members a chair, vice-chair, and any other officers that the Committee determines are necessary.

F. The ~~Commissioner of Health shall call the first meeting of the Committee by September 1, 1998. The~~ Committee shall meet at least twice each year.

G. The Committee may appoint subcommittees as it deems necessary.

H. Members of the Committee shall not receive a salary for duties performed for the Committee. Reimbursement for necessary

travel expenses incurred in the performance of their official duties as members of the Committee shall be made in accordance with the State Travel Reimbursement Act.

I. For purposes of determining a quorum for the Committee, a majority of members serving shall be required.

J. The State Department of Health shall provide staff assistance for the Committee.

SECTION 2. AMENDATORY Section 4, Chapter 288, O.S.L. 1994, as last amended by Section 4, Chapter 210, O.S.L. 1998, and as renumbered by Section 9, Chapter 210, O.S.L. 1998 (63 O.S. Supp. 2000, Section 1-556), is amended to read as follows:

Section 1-556. A. The Oklahoma Breast Cancer Prevention and Treatment Advisory Committee shall ~~advise~~ review and make recommendations to the State Commissioner of Health regarding ~~the~~ contracting ~~on the following~~ for statewide services or issues related to breast cancer~~, including~~. The areas for contract review and recommendation shall include, but not be limited to:

1. Mammography screening of women for breast cancer as an early detection health care ~~measures~~ measure, provided by facilities which are accredited by national organizations ~~which~~ that have formed coalitions to issue national cancer screening guidelines;

2. Medical ~~referral~~ referrals for definitive diagnosis of ~~screened~~ persons with abnormal findings ~~for definitive diagnosis~~ and, to the extent practical, for additional services or assistance for such persons;

3. Education and training programs for health care professionals to improve methods for the detection and control of breast cancer, and to improve communication with breast cancer patients after diagnosis;

4. Annual public education and awareness campaigns to improve the knowledge and health care practices of all ~~Oklahoma women~~ Oklahomans with respect to breast cancer;

5. Epidemiological trend studies utilizing the data from the Oklahoma Central Cancer Registry for incidence, prevalence and survival of breast cancer victims; ~~and~~

6. Outreach to groups with high proportions of uninsured and underinsured women; and

7. a. Development of a treatment option under the state Medicaid program for individuals who are in need of breast or cervical cancer treatment and who:

(1) have family incomes that are below one hundred eighty-five percent (185%) of the Federal Poverty Level,

(2) have not attained the age of sixty-five (65),

(3) have no other creditable coverage for treatment of breast and cervical cancer, and

(4) meet the requirements of and have been screened for breast or cervical cancer under the Centers for Disease Control and Prevention National Breast and Cervical Cancer Early Detection Program established under Title XV of the Public Health Service Act.

b. The Commissioner shall coordinate with the Oklahoma Health Care Authority to develop procedures to provide medical assistance to such individuals during a period of presumptive eligibility and to continue such medical assistance during the period in which the individual requires treatment for breast or cervical cancer.

c. The Oklahoma Health Care Authority Board shall promulgate rules pursuant to the provisions of Section 5007 of this title to enact the provisions of this section.

B. The contracts for services specified in subsection A of this section shall ~~provide appropriate~~ contain requirements ~~resulting~~ that result in:

1. ~~Enhancement of~~ Enhanced quality control standards within facilities which perform diagnostic cancer screening for breast cancer; and

2. Establishment of ~~fees~~ a fee schedule for breast cancer screening and ~~diagnostic tests at the~~ diagnosis that complies with accepted Medicare/Medicaid ~~rate~~ rates and that incorporates a sliding fee ~~schedule~~ payment system to encourage self-responsibility.

C. The Oklahoma Breast Cancer Prevention and Treatment Advisory Committee shall ~~make annual reports~~ annually report to the Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate, by October 1 of each year~~. The annual reports shall report~~, activities completed pursuant to the Oklahoma Breast Cancer Act during the prior fiscal year, including a report of the funding for related activities. The report shall ~~account~~ include an accounting of activities for research and breast cancer screenings for uninsured and underinsured women~~. The report shall also recommend~~ and a recommendation for additional funding, if necessary, to provide screenings and treatment for breast cancer for uninsured and underinsured women.

SECTION 3. AMENDATORY Section 5, Chapter 210, O.S.L. 1998 (63 O.S. Supp. 2000, Section 1-557), is amended to read as follows:

Section 1-557. A. 1. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Breast Cancer Act Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the fund and gifts or donations to the fund.

2. All monies donated or accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Health, pursuant to recommendations from the Oklahoma Breast Cancer Prevention and Treatment Advisory Committee, for the purposes specified in ~~the Oklahoma Breast Cancer Act~~ and associated with ~~the~~ implementation of the Oklahoma Breast Cancer Act.

3. Monies from the fund may be transferred to the Breast Cancer Prevention and Treatment Account and shall be used to carry out the purposes specified in Section 4 of this act.

4. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

B. 1. All proposals to expend monies from the Breast Cancer Act Revolving Fund shall ~~have been considered~~ be subject to approval by the Oklahoma Breast Cancer Prevention and Treatment Advisory Committee ~~which~~, and the Committee shall advise the Commissioner ~~of Health~~ on the proposed use of monies from the fund.

2. ~~All~~ The Committee shall subject all research projects awarded using monies from the fund ~~shall be subject~~ to peer review.

C. Monies in the Breast Cancer Act Revolving Fund may be expended by the State Department of Health, subject to approval by the Oklahoma Breast Cancer Prevention and Treatment Advisory Committee, for promotional activities to encourage donations to the Breast Cancer Act Revolving Fund by individuals and private businesses or foundations.

D. 1. On July 1, 1998, any unallotted balance in the Breast Cancer Act Revolving Fund created in Section 5060.9d of Title 74 of the Oklahoma Statutes shall be transferred to the fund created by this section.

2. All monies donated for the Breast Cancer Act which have not been allocated to the Breast Cancer Act Revolving Fund created in

Section 5060.9d of Title 74 of the Oklahoma Statutes before July 1, 1998, shall be allocated to the fund created in this section.

3. All outstanding obligations and encumbrances of the Breast Cancer Act Revolving Fund created in Section 5060.9d of Title 74 of the Oklahoma Statutes shall be transferred to the fund created by this section on ~~the effective date of this act~~ July 1, 1998.

SECTION 4. This act shall become effective November 1, 2001.

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