

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Committee Substitute

for

Senate Bill 514

By Senators Takubo and Woelfel

[Originating in the Committee on Health and Human
Resources; reported February 7, 2024]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §16-67-1, §16-67-2, §16-67-3, §16-67-4, §16-67-5, §16-67-6, §16-67-7, §16-
3 67-8, §16-67-9, §16-67-10, and §16-67-11, all relating to lung cancer prevention and
4 education; defining terms; establishing a lung cancer and education program within the
5 Bureau for Public Health; allowing for grants to be issued to approved organizations;
6 setting forth grant criteria; setting forth procedure and eligibility for grants; requiring annual
7 reporting; establishing a fund; setting forth financial eligibility; setting forth medical
8 eligibility; setting forth the reimbursement process; setting forth a rate for the screening
9 service; and requiring the Department of Health to administer an education campaign.

Be it enacted by the Legislature of West Virginia:

ARTICLE 67. LUNG CANCER PREVENTION AND EDUCATION ACT.

§16-67-1. Short title.

1 This article may be cited as the "Lung Cancer Prevention and Education Act".

§16-67-2. Definitions.

1 For purposes of this article:

2 "Approved organization" means an organization approved by the director to provide
3 screening and education awareness under this article.

4 "Bureau" means the Bureau for Public Health established pursuant to the provisions of
5 §16-1-1 et seq. of this code.

6 "Department" means the Department of Health.

7 "Director" means the State Health Officer.

8 "Fund" means the lung cancer screening and education fund established pursuant to this
9 article.

10 "Provider" means a physician, hospital, or medical provider currently licensed, operating,
11 or practicing in this state.

12 "Qualified applicant" means a person who meets the financial and medical eligibility

13 guidelines in this article.

14 "United States Preventative Services Taskforce" means the independent agency that
15 makes recommendations regarding the scope of type of lung cancer screenings that are needed
16 based upon a review of population health factors.

17 "Unserved populations" means persons having inadequate access and financial resources
18 to obtain lung cancer screening services as set forth in the financial eligibility section of this article.

§16-67-3. Establishment of Lung Cancer Prevention and Education program.

1 (a) There is hereby created within the department the Lung Cancer Prevention and
2 Education program. This program is established to promote screening and detection of lung
3 cancer among unserved populations, to educate the public regarding lung cancer, the benefits of
4 early detection, and to provide counseling and referral services.

5 (b) The program shall include:

6 (1) Establishment of a public education and outreach campaign to publicize lung cancer
7 screening and education services, including the extent of coverage for such services by health
8 insurance, this program, and other public and private programs;

9 (2) Provision of grants to approved organizations under this article;

10 (3) Compilation of data concerning the lung cancer detection and education program and
11 dissemination of the data to the public and any related outcome information, if available; and

12 (4) Development of professional education programs including the benefits of early
13 detection of lung cancer and the recommended frequency of screening examinations for
14 prevention and control.

§16-67-4. Grants for approved organizations.

1 (a) The director, or his or her designee, shall make grants, within the amounts
2 appropriated, to approved organizations for the provision of services relating to the screening and
3 detection of lung cancer and education as part of this program. These services shall include but
4 not be limited to:

5 (1) Promotion and provision of early detection of lung cancer, including the importance of
6 early detection;

7 (2) Dissemination of information to unserved populations, to the general public, and to
8 health care professionals concerning lung cancer, the benefits of early detection, and the
9 availability of screening services;

10 (3) Identification of local lung cancer screening services within the approved organization's
11 region; and

12 (4) Provision of information, counseling, and referral services to individuals diagnosed with
13 lung cancer.

14 (b)(1) The director shall give notice and provide an opportunity for an approved
15 organization to submit applications and provide lung cancer screenings and education programs.
16 In order to be considered for a grant to provide screenings, an applicant shall be able to perform
17 low-dose computed tomography scans in compliance with the American College of Radiology.
18 This is the only screening service available through this program and an applicant must
19 additionally show evidence of the following:

20 (A) Ability to provide and to ensure consistent and quality lung cancer detection services;

21 (B) Expertise in lung cancer detection and screening;

22 (C) Capacity to collaborate and coordinate services with physicians, hospitals, and other
23 appropriate local institutions or agencies;

24 (D) Ability to provide lung cancer detection and education services to unserved
25 populations; and

26 (E) Ability to provide lung cancer detection and education services in accordance with
27 national organization standards of high quality, as described in this section.

28 (2) Applications shall be made on forms provided by the director for approval of grants to
29 provide lung cancer screening and education programs by organizations.

30 (3) In order to be considered for a grant to provide education, an applicant shall show

31 evidence of the following:

32 (A) A plan to promote early detection of lung cancer, including the importance of early
33 detection;

34 (B) A plan to disseminate information to unserved populations and health care professional
35 regarding the benefits of early detection of lung cancer;

36 (C) A plan to provide information to provide linkage and referral services to individuals
37 diagnosed with lung cancer; and

38 (D) Any other education effort required by this article.

§16-67-5. Annual report.

1 The director shall submit an annual report to the Legislative Oversight Commission on
2 Health and Human Resources Accountability concerning the operation of the program established
3 pursuant to the article including any available data and assessment. The report shall include any
4 recommendations for additional action to respond to the high incidence of lung cancer in this state.
5 The report shall also include the operation and status of the fund, acts, policies, practices, and
6 procedures of the bureau in implementing the provisions of this article. The report shall be
7 transmitted to the Legislature electronically by December 15 of each year. The annual reporting
8 shall begin one year after the effective date of this article.

§16-67-6. Establishment of the lung cancer prevention and education program fund.

1 (a) There is hereby established the lung cancer screening and education program fund
2 which shall provide financial assistance for the screening of patients eligible pursuant to this article
3 and to provide for education as set forth in the article.

4 (b) The fund shall be comprised annually of \$100,000 from tobacco tax funding, and
5 thereafter may be comprised of moneys appropriated to the fund by the Legislature, allocated to
6 the fund by the federal government, and all other sums designated for deposit in the fund from any
7 source, public, or private.

8 (c) The fund shall be administered by the Bureau for Public Health.

9 (d) Nothing in this article may be construed or interpreted to mean that diagnostic and
10 treatment are required to be provided by the bureau or the department. Nothing in this article may
11 be construed to mandate funding for the lung cancer and education program or to require any
12 appropriation by the Legislature to the fund.

§16-67-7. Financial eligibility.

1 To be eligible for services under the fund, a patient's income must be at or below 300
2 percent of the federal poverty level in accordance with the prevailing national poverty income
3 guidelines and be medically eligible for participation pursuant to the provisions of this article. The
4 patient may not be responsible for the cost of the scan, facility fee, or reading fee.

§16-67-8. Medical eligibility.

1 In addition to meeting the requirements contained in the financial eligibility section of this
2 article, in order to be eligible for services under the fund, a patient shall meet the screening
3 guidelines set forth by the United State Preventative Services Taskforce for lung cancer, including
4 but not limited to that adults age 50 to 80 years who have a 20 pack-year smoking history and
5 currently smoke or have quit within the past 15 years should have an annual low-dose computed
6 tomography screening. Screening shall be discontinued once a person has not smoked for 15
7 years or develops a health problem that subsequently limits life expectancy or the ability or
8 willingness to have curative lung surgery. A pack-year is smoking an average of one pack of
9 cigarettes per day for one year. A person would have a 20 pack-year history by smoking one pack
10 a day for 20 years or two packs a day for 10 years.

§16-67-9. Application forms and process.

1 (a) The bureau shall develop authorization request forms and make the forms available to
2 the provider upon request.

3 (b) An application for inpatient diagnostic services shall be accompanied by a written,
4 signed, statement from the attending physician which includes the medical basis for the requested
5 inpatient services and explains why the services may not be performed on an outpatient basis.

§16-67-10. Reimbursement process.

1 (a) The fund is the payor of last resort. Payment for the facility and professional
2 components of the diagnostic service shall be made at the provider's current Medicare
3 reimbursement rate per low dose computed tomography scan and its interpretation.

4 (b) A claim for authorized services rendered shall be processed in accordance with this
5 article.

§16-67-11. Promotion.

1 The Department of Health shall engage in a statewide education campaign to promote this
2 Act. The campaign shall include print media, social media, and include targeted advertisements to
3 groups at high risk for lung cancer and in need of screening.