

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1688

5 By: Representatives F. Allen, C. Fite, Magie, V. Flowers, Murdock, K. Ferguson, Blake, G. McGill
6 By: Senator Bledsoe
7

For An Act To Be Entitled

9 AN ACT TO UPDATE THE COLORECTAL CANCER PREVENTION,
10 EARLY DETECTION, AND TREATMENT ACT OF 2009; AND FOR
11 OTHER PURPOSES.
12
13

Subtitle

15 TO UPDATE THE COLORECTAL CANCER
16 PREVENTION, EARLY DETECTION, AND
17 TREATMENT ACT OF 2009.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code Title 20, Chapter 15, Subchapter 19, is
23 amended to read as follows:

24 Subchapter 19 – Colorectal Cancer Prevention, Early Detection, and Treatment
25 Act ~~of 2009~~
26

27 20-15-1901. Title.

28 This subchapter shall be known and may be cited as the “Colorectal
29 Cancer Prevention, Early Detection, and Treatment Act ~~of 2009~~”.

30
31 20-15-1902. Findings.

32 (a) The General Assembly finds that:

33 (1)(A) Colorectal cancer is the second leading cause of cancer
34 death in Arkansas.

35 (B) An estimated one thousand six hundred thirty (1,630)
36 new cases of colorectal cancer ~~will be~~ were diagnosed in Arkansas during



1 2009.

2 (C) An estimated one thousand four hundred (1,400) new
 3 cases of colorectal cancer will be diagnosed in Arkansas during 2017.

4 (D) An estimated six hundred (600) Arkansans will have
 5 colorectal cancer listed as the cause of death in 2017.

6 (E) Arkansas presently has higher incidences of colorectal
 7 cancer and higher rates of death resulting from colorectal cancer than the
 8 national average.

9 (F) A 2015 cancer surveillance study published in the
 10 journal of Cancer, Epidemiology, Biomarkers, and Prevention by R.L. Siegel et
 11 al. indicates that the higher rates of colorectal cancer are experienced in
 12 the following seventeen (17) counties:

- 13 (i) Randolph;
- 14 (ii) Clay;
- 15 (iii) Mississippi;
- 16 (iv) Poinsett;
- 17 (v) Woodruff;
- 18 (vi) Cross;
- 19 (vii) Crittenden;
- 20 (viii) Lee;
- 21 (ix) Monroe;
- 22 (x) Arkansas;
- 23 (xi) Phillips;
- 24 (xii) Desha;
- 25 (xiii) Chicot;
- 26 (xiv) Drew;
- 27 (xv) Jefferson;
- 28 (xvi) Dallas; and
- 29 (xvii) Jackson;

30 (2)(A) Screening for colorectal cancer may identify the
 31 precursors of cancer before the disease begins and the precursors may be
 32 removed, thus preventing the emergence of most colorectal cancer.

33 (B) Currently, only fifty nine percent (59%) of Arkansans
 34 who are at risk for colorectal cancer or who are above fifty (50) years of
 35 age have been screened.

36 (C) On April 19, 2016, Governor Asa Hutchinson signed the

1 "80% by 2018" pledge dedicating his commitment to increase colorectal cancer
 2 screenings to eighty percent (80%) by 2018.

3 (D) Arkansas presently ranks forty-sixth in the nation for
 4 colorectal screenings among individuals who are fifty (50) years of age or
 5 older; and

6 (3) The Colorectal Cancer Control Demonstration Project created
 7 in the Colorectal Cancer Act of 2005, ~~§ 20-15-1701 et seq.,~~ Acts 2005, No.
 8 2236, repealed, has produced findings indicating that:

9 (A)(i) Statewide only ~~one-half (½)~~ fifty percent (50%) of
 10 adults over fifty (50) years of age have received colorectal cancer screening
 11 within the recommended time interval and thirty-five percent (35%) have never
 12 been screened.

13 (ii) Screening rates are twenty-five percent (25%)
 14 lower in ~~under-served~~ underserved areas of the state where ~~health-care~~
 15 healthcare services, health insurance coverage, educational attainment, and
 16 household income are limited;

17 (B)(i) Forty percent (40%) of Arkansans who should be
 18 screened for colorectal cancer have never received physician advice to be
 19 screened.

20 (ii) An individual in an underserved area of the
 21 state is less likely to receive appropriate advice about effective screening
 22 methods than is an individual in a better-served area of the state;

23 (C)(i) Fewer than forty percent (40%) of Arkansas citizens
 24 know that periodic screening for colorectal cancer should start at fifty (50)
 25 years of age.

26 (ii) Fifty-six percent (56%) of Arkansas citizens
 27 rate themselves as being at low risk for colorectal cancer.

28 (iii) Forty-two percent (42%) of Arkansas citizens
 29 identify cost as a significant barrier to screening; and

30 (D)(i) Eighty-one percent (81%) of low-income patients
 31 enrolled in the demonstration project successfully completed colorectal
 32 screening.

33 (ii) A statewide screening program for underserved
 34 individuals could reduce cancer incidence among screened individuals by
 35 thirty-two percent (32%), reduce five-year mortality risk by twenty-five
 36 percent (25%), and reduce cancer treatment costs by fifty-four percent (54%).

1 (b) This subchapter is intended to reduce the physical and economic
2 burden of colorectal cancer in Arkansas ~~by supporting research and cancer~~
3 ~~control activities across Arkansas.~~

4
5 20-15-1903. Definition.

6 As used in this subchapter, "high risk" means:

7 (1) An individual over fifty (50) years of age or who faces a
8 high risk for colorectal cancer because of:

9 (A) The presence of one (1) or more polyps on a previous
10 colonoscopy, barium enema, or flexible sigmoidoscopy;

11 (B) Family history of colorectal cancer;

12 (C) Genetic alterations of hereditary nonpolyposis colon
13 cancer or familial adenomatous polyposis;

14 (D) Personal history of colorectal cancer, ulcerative
15 colitis, or Crohn's disease; or

16 (E) The presence of any appropriate recognized gene
17 markers for colorectal cancer or other predisposing factors; and

18 (2) Any additional or expanded definition of "persons at high
19 risk for colorectal cancer" as recognized by medical science and determined
20 by the Director of the Department of Health in consultation with the
21 University of Arkansas for Medical Sciences.

22
23 20-15-1904. Program for prevention of colorectal cancer.

24 (a) There is created in the Department of Health the Arkansas
25 Colorectal Cancer Prevention, Early Detection, and Treatment Program if funds
26 are available.

27 (b) The Winthrop P. Rockefeller Cancer Institute at the University of
28 Arkansas for Medical Sciences may collaborate with the department in
29 conducting the program.

30 (c)(1) The program shall be designed in conformity with federal law
31 and regulations regarding a program for prevention, early detection, and
32 treatment of colorectal cancer.

33 (2) Funds shall not be used to supplant funds already available
34 for prevention, early detection, and treatment of colorectal cancer.

35 (d) A contract may be made under this subchapter only if:

36 (1) In providing screenings for colorectal cancer, priority is

1 given to ~~low-income~~ individuals who lack adequate coverage under health
 2 insurance and health plans for screenings for colorectal cancer;

3 (2) Screenings are carried out as preventive health measures in
 4 accordance with evidence-based screening guidelines and procedures;

5 (3) A payment made through the program for a screening procedure
 6 will not exceed the amount specified under federal law and regulations
 7 regarding a grant program for prevention, early detection, and treatment of
 8 colorectal cancer;

9 (4) Funds ~~will~~ shall not be spent to make payment for any item
 10 or service if that payment has been made or can reasonably be expected to be
 11 made:

12 (A) Under a state compensation program, an insurance
 13 policy, or a federal or state health benefits program; or

14 (B) By an entity that provides health services on a
 15 prepaid basis; and

16 (5) Fiscal controls and fund accounting procedures are
 17 established to ensure proper disbursement of and accounting for amounts received
 18 under this subchapter.

19 (e) Upon request, the department shall provide records maintained
 20 under this subchapter to the appropriate federal oversight agency.

21 (f) The program shall be implemented statewide.

22
 23 20-15-1905. Program requirements.

24 ~~A program~~ The Arkansas Colorectal Cancer Prevention, Early Detection,
 25 and Treatment Program funded under this subchapter shall:

26 (1) Provide screenings and diagnostic tests for colorectal
 27 cancer to individuals who are:

28 (A) Fifty (50) years of age or older; or

29 (B) ~~Both;~~

30 ~~(i)~~ Under fifty (50) years of age; and

31 ~~(ii)~~ ~~At~~ at high risk for colorectal cancer; ~~or~~

32 ~~(C)~~ ~~Low-income;~~

33 (2) Provide appropriate case management and referrals for
 34 medical treatment of individuals screened under the program created in this
 35 subchapter;

36 (3) Directly or through coordination or an arrangement with

1 ~~health care~~ healthcare providers or programs ensure the full continuum of
 2 follow-up and cancer care for individuals screened in the program, including
 3 without limitation:

4 (A) Appropriate follow-up for abnormal tests;

5 (B) Diagnostic services;

6 (C) Therapeutic services; and

7 (D) Treatment of detected cancers and management of
 8 unanticipated medical complications;

9 (4) Carry out activities to improve the education, training, and
 10 skills of health professionals, including allied health professionals in the
 11 detection and control of colorectal cancer;

12 (5) Establish mechanisms to monitor the quality of screening and
 13 diagnostic follow-up procedures for colorectal cancer;

14 (6) Create and implement appropriate monitoring systems to
 15 monitor, including without limitation:

16 (A) The number of facilities in the state that provide
 17 screening services in accordance with evidence-based screening guidelines and
 18 procedures;

19 (B) Physicians, including family practitioners,
 20 gastroenterologists, and surgical endoscopists who perform colonoscopies in
 21 the state and the regions of the state in which the physicians practice;

22 (C) Differences in cost across facilities as compared to
 23 Medicare payment for procedures; and

24 (D) Available resources for follow-up diagnostics and
 25 treatment as needed;

26 (7) Develop and disseminate findings derived from the monitoring
 27 systems;

28 (8) Develop and disseminate public information and education
 29 programs for the detection and control of colorectal cancer and for promoting
 30 the benefits of receiving screenings for the public and for ~~health care~~
 31 healthcare professions, to include without limitation education concerning:

32 (A) High-risk populations;

33 (B) Target populations; and

34 (C) The uninsured and underinsured;

35 (9) Develop provider-oriented programs to promote routine
 36 implementation of screening guidelines and patient-oriented programs to

1 increase utilization of screening and diagnostic services; and

2 (10) Make records of program activities and expenditures
3 available to the Department of Health.

4
5 20-15-1906. Colorectal Cancer Prevention, Early Detection, and
6 Treatment Advisory Committee.

7 (a) There is created a Colorectal Cancer Prevention, Early Detection,
8 and Treatment Advisory Committee to advise the Director of the Department of
9 Health on matters of concern under this subchapter.

10 (b) The director shall appoint:

11 (1) One (1) member to represent the Department of Health;

12 (2) One (1) member to represent the target population of this
13 subchapter;

14 (3) One (1) member who specializes in primary care or
15 gastrointestinal medicine to represent the Arkansas Medical Society;

16 (4) One (1) member who specializes in primary care or
17 gastrointestinal medicine to represent the Arkansas Medical, Dental and
18 Pharmaceutical Association;

19 (5) One (1) member who is a surgical oncologist physician;

20 (6) One (1) member who is a radiation oncologist physician;

21 (7) One (1) member to represent the ~~Arkansas Nursing Association~~
22 Arkansas Nurses Association;

23 (8) One (1) member who is a behavioral health scientist;

24 (9) One (1) member who is a medical oncologist physician;

25 (10) One (1) member to represent the area health education
26 centers;

27 (11) One (1) member who is a colorectal cancer survivor;

28 (12) One (1) member to represent the American Cancer Society;

29 ~~and~~

30 (13) One (1) member to represent the Community Health Centers of
31 Arkansas; and

32 (14) One (1) member selected from the Arkansas Minority Health
33 Commission.

34 (c) The director shall ensure that the membership is representative of
35 the four (4) congressional districts.

36 (d) Terms of committee members shall be three (3) years except for the

1 initial members whose terms shall be determined by lot so as to stagger terms
2 to equalize as nearly as possible the number of members to be appointed each
3 year.

4 (e) If a vacancy occurs, the director shall appoint a person who
5 represents the same constituency as the member being replaced.

6 (f) The committee shall elect one (1) of its members to act as chair
7 for a term of one (1) year.

8 (g) A majority of the members shall constitute a quorum for the
9 transaction of business.

10 (h) The committee shall meet at least quarterly to study developments
11 in programs created under this subchapter and to assist the director in
12 improving existing programs and developing new programs.

13 (i) The department shall provide office space and staff for the
14 committee.

15 (j) Members of the committee shall serve without pay but may receive
16 expense reimbursement in accordance with § 25-16-902 if funds are available.

17
18 20-15-1907. Colorectal Cancer Research Program.

19 (a) There is established within the Winthrop P. Rockefeller Cancer
20 Institute at the University of Arkansas for Medical Sciences, in
21 collaboration with the Department of Health, ~~a~~ the Colorectal Cancer Research
22 Program.

23 (b) The program may conduct without limitation:

24 (1) Research into the cause, cure, treatment, early detection,
25 and prevention of colorectal cancer and the survivorship of individuals
26 diagnosed with colorectal cancer;

27 (2) Examinations of behavioral and educational strategies to
28 promote screening and early detection; and

29 (3) Research addressing health policies and legislative
30 initiatives intended to promote early detection and reduce the burden of
31 colorectal cancer.

32 (c) The program shall fund innovative research and the dissemination
33 of successful research findings with special emphasis on research that
34 complements, rather than duplicates, the research funded by the federal
35 government and other entities.

36

20-15-1908. Oversight Committee on Colorectal Cancer Research.

(a) There is created the Oversight Committee on Colorectal Cancer Research.

(b) All research grants shall be awarded on the basis of the research priorities established for the Colorectal Cancer Research Program and the scientific merit of the proposed research as determined by a peer review process governed by the committee.

(c) The committee shall consist of seven (7) members appointed by the Director of the Winthrop P. Rockefeller Cancer Institute at the University of Arkansas for Medical Sciences, as follows:

(1) One (1) member to represent the Arkansas Medical Society;

(2) One (1) member to represent the Arkansas Hospital Association;

(3) One (1) member to represent the medical, surgical, or radiation oncology community;

(4) One (1) member who is a colorectal health advocate;

(5) One (1) member to represent the University of Arkansas System who has experience in biomedical research relevant to cancer prevention and control;

(6) One (1) member to represent the University of Arkansas System who has experience in ~~behavioral/psychosocial~~ behavioral and psychosocial research relevant to cancer prevention and control; and

(7) One (1) member to represent the University of Arkansas System who has experience in systems research relevant to cancer prevention and control.

(d) Each of the four (4) congressional districts shall be represented by at least one (1) member.

(e)(1) The members shall serve for a period of four (4) years.

(2) The members shall serve staggered terms to be determined by lot at the first meeting of the committee so that one (1) member serves one (1) year, two (2) members serve two (2) years, two (2) members serve three (3) years, and two (2) members serve four (4) years.

APPROVED: 03/16/2017