

FIRST REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 38

96TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR WRIGHT-JONES.

Pre-filed December 1, 2010, and ordered printed.

Read 2nd time January 12, 2011, and referred to the Committee on Health, Mental Health, Seniors and Families.

Reported from the Committee February 24, 2011, with recommendation that the bill do pass.

Taken up for Perfection February 28, 2011. Bill declared Perfected and Ordered Printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to the prostate cancer pilot program.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 191, RSMo, is amended by adding thereto one new  
2 section, to be known as section 191.950, to read as follows:

**191.950. 1. As used in this section, the following terms mean:**

2 (1) "Department", the department of health and senior services;

3 (2) "Economically challenged men", men who have a gross income  
4 up to one-hundred and fifty percent of the federal poverty level;

5 (3) "Program", the prostate cancer pilot program established in  
6 this section;

7 (4) "Rural area", a rural area which is in either any county of the  
8 third classification without a township form of government and with  
9 more than twenty thousand but fewer than twenty thousand one  
10 hundred inhabitants, any county of the second classification with more  
11 than nineteen thousand seven hundred but fewer than nineteen  
12 thousand eight hundred inhabitants, or any county of the third  
13 classification with a township form of government and with more than  
14 thirty-three thousand one hundred but fewer than thirty-three  
15 thousand two hundred inhabitants;

16 (5) "Uninsured men", men for whom services provided by the  
17 program are not covered by private insurance, MO HealthNet or  
18 Medicare;

19           (6) "Urban area", an urban area which is located in a city not  
20 within a county.

21           2. Subject to securing a cooperative agreement with a nonprofit  
22 entity for funding of the program, there is hereby established within  
23 the department of health and senior services two "Prostate Cancer Pilot  
24 Programs" to fund prostate cancer screening and treatment services  
25 and to provide education to men residing in this state. One prostate  
26 cancer pilot program shall be located in an urban area and one  
27 prostate cancer pilot program shall be located in a rural area. The  
28 department may directly contract with the Missouri Foundation for  
29 Health, or a successor entity, in the delivery of the pilot program. For  
30 purposes of this section, the contracting process of the department with  
31 these entities need not be governed by the provisions of chapter 34.

32           3. The program shall be open to:

33           (1) Uninsured men or economically challenged men who are at  
34 least fifty years old; and

35           (2) On the advice of a physician or at the request of the  
36 individual, uninsured men or economically challenged men who are at  
37 least thirty-five years of age but less than fifty years of age and who are  
38 at high risk for prostate cancer.

39           4. The program shall provide:

40           (1) Prostate cancer screening;

41           (2) Referral services, including services necessary for diagnosis;

42           (3) Treatment services for individuals who are diagnosed with  
43 prostate cancer after being screened; and

44           (4) Outreach and education activities to ensure awareness and  
45 utilization of program services by uninsured men and economically  
46 challenged men.

47           5. Upon appropriation, the department shall distribute grants to  
48 administer the program to:

49           (1) Local health departments; and

50           (2) Federally qualified health centers.

51           6. Three years from the date on which the grants were first  
52 administered under this section, the department shall report to the  
53 governor and general assembly:

54           (1) The number of individuals screened and treated under the  
55 program, including racial and ethnic data on the individuals who were

56 screened and treated; and

57 (2) To the extent possible, any cost savings achieved by the  
58 program as a result of early detection of prostate cancer.

59 7. The department shall promulgate rules to establish guidelines  
60 regarding eligibility for the program and to implement the provisions  
61 of this section. Any rule or portion of a rule, as that term is defined in  
62 section 536.010, that is created under the authority delegated in this  
63 section shall become effective only if it complies with and is subject to  
64 all of the provisions of chapter 536 and, if applicable, section  
65 536.028. This section and chapter 536 are nonseverable and if any of  
66 the powers vested with the general assembly pursuant to chapter 536  
67 to review, to delay the effective date, or to disapprove and annul a rule  
68 are subsequently held unconstitutional, then the grant of rulemaking  
69 authority and any rule proposed or adopted after August 28, 2011, shall  
70 be invalid and void.

71 8. Pursuant to section 23.253 of the Missouri sunset act:

72 (1) The provisions of the new program authorized under this  
73 section shall automatically sunset six years after the effective date of  
74 this section unless reauthorized by an act of the general assembly; and

75 (2) If such program is reauthorized, the program authorized  
76 under this section shall automatically sunset six years after the  
77 effective date of the reauthorization of this section; and

78 (3) This section shall terminate on September first of the  
79 calendar year immediately following the calendar year in which the  
80 program authorized under this section is sunset.

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