

A Bill for an Act Relating to Cancer.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. In 1990, Congress passed the Breast and Cervical Cancer Mortality Act, leading to the creation of cancer screening programs in all fifty states. No federal funds were authorized under this Act for treatment, only diagnostic services. The Hawaii Breast and Cervical Cancer Control Program (HBCCCP) was established in 1997. Approximately two thousand women have been screened through the HBCCCP since its inception. Thirty-five cases of breast cancer have been diagnosed through HBCCCP for a rate of cancer of 1.1 per cent, as compared with the rate of all other programs combined nationally of 0.8 per cent. Every year, the number of women screened increases dramatically. Native Hawaiian women have a higher rate of developing breast cancer than the national average. In addition, one case of cervical cancer has been recently detected.

One of the problems with the current program is that while the screening is free, there are no funds for treatment for certain individuals diagnosed with breast cancer in this State. This has caused significant problems in diagnosing uninsured and underinsured patients with cancer:

- (1) Patients with no insurance who seek treatment have been billed at "fee-for-service" rates, leaving those most economically challenged to face insurmountable financial obligations; or
- (2) Some patients have denied themselves treatment to avoid financial catastrophe, and may return in an advanced stage of cancer, increasing the overall costs of treatment.

Recognizing these difficulties, Congress and President Clinton enacted the Breast and Cervical Cancer Prevention and Treatment Act of 2000, Public Law 106-354, whereby states can provide coverage of treatment costs for eligible women diagnosed through their breast and cervical cancer screening programs through their respective state medicaid programs. Further, states that choose this coverage will receive enhanced federal funding equal to the funding for the State children's health insurance program.

Federal law prohibits medicaid coverage of legal resident aliens who enter the United States after August 22, 1996, for the first five years of their U.S. residency. In addition, aliens who are not legal resident aliens are generally not eligible for medicaid. Therefore, such aliens, even if diagnosed with breast or cervical cancer through the HBCCCP, would not be eligible for medicaid coverage of treatment costs.

The purpose of this Act is to address the breast and cervical cancer treatment needs of women who either:

- (1) Are resident aliens of Hawaii who are not eligible for medicaid; or
- (2) Would be eligible under medicaid except that the person has health care coverage that specifically does not provide coverage of cancer treatment.

SECTION 2. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§346- Breast and cervical cancer treatment program. (a) There is established the breast and cervical cancer treatment program, to be administered by the department of human services, to assist women who have been diagnosed with breast or cervical cancer by the Hawaii Breast and Cervical Cancer Control Program

(HBCCCP), but who are not eligible for federally-funded medicaid coverage as provided by the Breast and Cervical Cancer Prevention and Treatment Act of 2000.

(b) Under the breast and cervical cancer treatment program, the department shall provide state-funded medical assistance, as appropriated by the legislature, to women who are diagnosed with breast or cervical cancer through HBCCCP, but who are not eligible for federal medicaid coverage; provided that the person either:

- (1) Is a resident alien of Hawaii who is not eligible for medicaid; or
- (2) Would be eligible under medicaid except that the person has health care coverage that specifically does not provide coverage for cancer treatment.”

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$229,000 or so much thereof as may be necessary for fiscal year 2001-2002 and the sum of \$243,000 or so much thereof as may be necessary for fiscal year 2002-2003 for the breast and cervical cancer treatment program.

The sums appropriated shall be expended by the department of human services for the purposes of this Act.

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect on July 1, 2001.

(Approved June 25, 2001.)

Note

1. Edited pursuant to HRS §23G-16.5.