

Enrolled Senate Bill 433

Sponsored by Senator ROSENBAUM, Representative TOMEI; Senators BATES, BONAMICI, DEVLIN, DINGFELDER, EDWARDS, JOHNSON, MONNES ANDERSON, VERGER, Representatives BAILEY, BARKER, BARNHART, BOONE, DEMBROW, DOHERTY, FREDERICK, GARRETT, GELSER, GREENLICK, HOLVEY, KOMP, MATTHEWS, J SMITH (Pre-session filed.)

CHAPTER

AN ACT

Relating to treatment of cancer; amending ORS 414.534.

Whereas the incidence of breast cancer in Oregon is among the top five in the nation; and

Whereas 2,910 women were diagnosed with breast cancer and 130 women were diagnosed with cervical cancer in Oregon in 2010; and

Whereas low-income and uninsured women may not have access to screening through the Oregon Breast and Cervical Cancer Program and therefore wait until they show active signs of cancer to seek medical treatment; and

Whereas women who are not screened through the Oregon Breast and Cervical Cancer Program are not eligible for federally supported treatment; and

Whereas under the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000, eligible low-income and uninsured women can enroll in and receive treatment for breast or cervical cancer in Oregon; and

Whereas the Breast and Cervical Cancer Prevention and Treatment Act of 2000 allows the Oregon Health Authority to receive federal funds to support the majority of the medical costs needed to support low-income and uninsured women in Oregon to receive breast or cervical cancer treatment services; and

Whereas the cost of treatment for a woman diagnosed with breast or cervical cancer may be absorbed by a provider in the form of "charity care"; and

Whereas additional charity care drives up the cost of health care for other Oregonians; now, therefore,

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 414.534 is amended to read:

414.534. (1) The Oregon Health Authority shall provide medical assistance to a woman who:

[(a) Is screened for breast or cervical cancer through the Oregon Breast and Cervical Cancer Program operated by the authority;]

[(b)] (a) [As a result of a screening in accordance with paragraph (a) of this subsection,] Is found by a provider to be in need of treatment for breast or cervical cancer;

(b) Meets the eligibility criteria for the Oregon Breast and Cervical Cancer Program prescribed by rule by the authority;

(c) Does not otherwise have creditable coverage, as defined in 42 U.S.C. 300gg(c); and

- (d) Is 64 years of age or younger.
- (2) The period of time a woman can receive medical assistance based on the eligibility criteria of subsection (1) of this section:
 - (a) Begins:
 - (A) On the date the Department of Human Services **or the Oregon Health Authority** makes a formal determination that the woman is eligible for medical assistance in accordance with subsection (1) of this section; or
 - (B) Up to three months prior to the month in which the woman applied for medical assistance if on the earlier date the woman met the eligibility criteria of subsection (1) of this section.
 - (b) Ends when:
 - (A) The woman is no longer in need of treatment; or
 - (B) The department determines the woman no longer meets the eligibility criteria of subsection (1) of this section.

Passed by Senate June 14, 2011

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 Robert Taylor, Secretary of Senate

 Peter Courtney, President of Senate

Passed by House June 20, 2011

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 Bruce Hanna, Speaker of House

 Arnie Roblan, Speaker of House

Received by Governor:

.....M.,....., 2011

Approved:

.....M.,....., 2011

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 John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2011

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 Kate Brown, Secretary of State