

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 02/04/08

SPONSOR Begaye LAST UPDATED _____ HB 621

SHORT TITLE Promote Subatomic Beams for Cancer Treatment SB _____

ANALYST Escudero

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	\$10.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB35, HB98, HB381, HB394, HB536, SB178, SB199, SB244

SOURCES OF INFORMATION

LFC Files

Responses Received From

Human Services Department (HSD)

Department of Health (DOH)

No Response Received From

Higher Education Department (HED)

University of New Mexico (UNM)

SUMMARY

Synopsis of Bill

House Bill 621 is an appropriation from the general fund to the Human Services Department for expenditure in fiscal year 2009 to promote scientific research and technological advances in the treatment of certain cancers using subatomic particle beams.

FISCAL IMPLICATIONS

The appropriation of \$10.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY09 shall revert to the general fund

The money cannot be matched with federal Medicaid matching funds from CMS because the treatment is research, investigational medical use, and promotion.

SIGNIFICANT ISSUES

According to DOH, radiation therapy is the use of a certain type of energy to kill cancer cells and shrink tumors, and is used to treat many different types of cancer. The radiation treatment method used depends on a number of factors, including the type of cancer and whether there are tissues and organs nearby that may be damaged by radiation. Particle beam radiation therapy is a treatment that uses fast-moving subatomic particles. Particle beams are created by [linear accelerators](#), synchrotrons, and cyclotrons, which produce and accelerate the particles required for this type of radiation therapy. Particle beam therapy uses electrons, which are produced by an x-ray tube (this may be called electron-beam radiation); neutrons, which are produced by radioactive elements and special equipment; heavy ions (such as [protons](#) and helium); and pions (also called pions), which are small, negatively charged particles produced by an accelerator and a system of magnets. Unlike x-rays and gamma rays, some particle beams can penetrate only a short distance into tissue. Therefore, they are often used to treat cancers located on the surface of or just below the skin.

DOH further notes, proton beam therapy is a type of particle beam radiation therapy. High doses of proton beam therapy can be targeted to a tumor while doing less damage to normal tissues in front of and behind the tumor. Proton beam therapy is available at only a few facilities in the United States. Its use is generally reserved for cancers that are difficult or dangerous to treat with surgery (such as a [chondrosarcoma](#) at the base of the skull), or it is combined with other types of radiation. Proton beam therapy is also being used in clinical trials for [intraocular melanoma](#) ([melanoma](#) that begins in the eye), [retinoblastoma](#) (an eye cancer that most often occurs in children under age 5), [rhabdomyosarcoma](#) (a tumor of the muscle tissue), some cancers of the head and neck, and cancers of the prostate, brain, and lung.

The \$10,000 appropriation proposed in HB621 may not be a large enough appropriation to promote meaningful scientific research or technological advances in this highly technical field.

As stated by HSD, the department is a large purchaser of health care but generally has no role in developing new medical technology or administering grants to do so. Also, HSD would not be in a position to evaluate any product from the expenditure.

It would be more appropriate for the money to be given to the Department of Health (DOH) to award as a grant, to the UNM School of Medicine, or to the UNM Hospital Cancer Treatment Center. DOH administers the tumor registry and the UNM entities are noted for cancer research and treatment.

DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

HB621 relates to:

- HB35, which would appropriate \$500,000 from the General Fund to DOH to fund screening and treatment of breast and cervical cancer;
- HB98, which would appropriate \$25,000 from the General Fund to DOH to provide for volunteer-led clinics to help cancer patients or caregivers navigate legal, insurance and paperwork issues, and to supply cancer patients or caregivers with a cancer treatment organizer tool;
- HB381, which would enact a newly created section to the New Mexico Drug, Device and Cosmetic Act to allow for unused and unadulterated prescription cancer medications to be

donated by a cancer patient or the patient's family to a healthcare facility or to a pharmacy that elects to participate in the program;

- HB394, which would appropriate \$1.3 million for expenditure in FY09 from the Tobacco Settlement Program fund to Veterans' Services Department to contract with an organization to provide validation of diagnostic technology for the early detection of lung cancer;
- HB536, which would appropriate \$60,000 to DOH from the General Fund in FY09 to provide services to indigent cancer patients in Chaves, Eddy, Lea and Lincoln counties;
- SB178, which would create a new license plate promoting awareness and providing a funding source for breast cancer research and education;
- SB199, which would appropriate \$1,500,000 to DOH to develop and implement a statewide voucher program to provide baseline mammograms to women in low-income households; and
- SB244, which would provide for parents or guardians of female students ages nine to fourteen years of age to receive educational information about cervical cancer and the human papillomavirus vaccine.

PME/jp