

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 511 Cancer Control and Research

SPONSOR(S): Health & Human Services Committee; Health Quality Subcommittee; Coley

TIED BILLS: **IDEN./SIM. BILLS:** SB 734

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health Quality Subcommittee	11 Y, 0 N, As CS	Castagna	O'Callaghan
2) Health & Human Services Committee	17 Y, 0 N, As CS	Castagna	Calamas

SUMMARY ANALYSIS

The Cancer Control and Research Advisory Council (CCRAB) was established by the Legislature in 1979 to advise the Legislature, Governor, and Surgeon General on how to reduce the cancer burden in Florida.

The bill reduces the membership total of the CCRAB from 35 members to 15 members and revises the composition of the CCRAB. The bill also modifies the appointment process by requiring the Governor, Speaker of the House of Representatives, and President of the Senate to appoint a specified number of members and requiring the chief executive officers of 9 named organizations to each appoint a member to the CCRAB.

The bill requires the CCRAB to select a chairperson, whereas currently the chairperson is appointed by the Governor. The bill also allows renewal of members' terms, and reduces minority representation and the number of members required to establish a quorum to correlate with the reduction of members in the CCRAB.

This bill requires a CCRAB member's representative organization to pay for travel reimbursement and, if a member is not affiliated with an institution or organization, the travel expenses will be paid for by the H. Lee Moffitt Cancer Center and Research Institute, Inc.

The bill removes the requirement that the CCRAB develop or purchase, make available to physicians and surgeons, and update written summaries regarding breast cancer and prostate cancer treatment alternatives when funds are appropriated for such purpose. This bill also removes the requirement that the CCRAB develop and implement educational programs about the early detection and treatment of breast cancer and prostate cancer.

The bill requires the CCRAB to collaborate with the Biomedical Research Advisory Council to formulate and annually review and recommend to the State Surgeon General a statewide research plan. The bill requires the CCRAB to develop and annually review a statewide "Florida Cancer Treatment Plan," and renames the "Florida Cancer Plan" to be titled the "Florida Cancer Control and Research Plan."

The bill deletes the Florida Cancer Control and Research Fund, and, to conform to this change, removes the requirement that the:

- CCRAB recommend the awarding of grants and contracts to qualified nonprofit associations or governmental agencies in order to plan, establish, or conduct programs in cancer control or prevention, cancer education and training, and cancer research.
- Board of Governors or the State Surgeon General award grants or contracts after consultation with CCRAB.
- Members of the CCRAB refrain from participating in discussions or decisions to recommend grants or contracts to a qualified nonprofit association or any state agency, or its political subdivision, if CCRAB members have an association or contractual relationship with that entity.

This bill has an insignificant, positive fiscal impact on the Department of Health.

This bill has an effective date of July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Cancer Control and Research Advisory Council (CCRAB)

In 1979, the Florida Cancer Control and Research Act was created pursuant to, s. 1004.435, F.S., along with the Cancer Control Research Advisory Council (CCRAB)¹ which serves to advise the Legislature, Governor, and State Surgeon General of efforts to reduce the cancer burden in Florida. The CCRAB is housed within the H. Lee Moffitt Cancer Center and Research Institute, Inc. (Moffitt).

CCRAB Membership

The CCRAB consists of 35 members, all of whom must be residents of Florida. The membership appointment process is currently structured as follows:

- The Speaker of the House of Representatives appoints one member from the House of Representatives.
- The President of the Senate appoints one member from the Senate.
- The Governor appoints one member from the following organizations:
 - American Cancer Society,
 - Florida Tumor Registrars Association,
 - Sylvester Comprehensive Cancer Center of the University of Miami,
 - Department of Health,
 - University of Florida Shands Cancer Center,
 - Agency for Health Care Administration,
 - Florida Nurses Association,
 - Florida Osteopathic Medical Association,
 - American College of Surgeons,
 - School of Medicine of the University of Miami,
 - College of Medicine of the University of Florida,
 - NOVA Southeastern College of Osteopathic Medicine,
 - American College of Medicine of the University of South Florida,
 - College of Public Health of the University of South Florida,
 - Florida Society of Clinical Oncology,
 - Florida Obstetric and Gynecologic Society,
 - Florida Ovarian Cancer Alliance Speaks,
 - Florida Medical Association,
 - Florida Pediatric Society,
 - Florida Radiological Society,
 - Florida Society of Pathologists,
 - H. Lee Moffitt Cancer Center and Research Institute, Inc.,
 - Florida Dental Association,
 - Florida Hospital Association,
 - Association of Community Cancer Centers,
 - Statutory teaching hospitals,
 - Florida Association of Pediatric Tumor Programs, Inc.,
 - Cancer Information Services,

¹ Although the Cancer Control and Research Board (CCRAB) was renamed as the Cancer Control and Research Advisory Council, the acronym associated with the board is still used.

- Florida Agricultural and Mechanical University Institute of Public Health,
- Florida Society of Oncology Social Workers, and
- Three consumer advocates from the general public.

At least one of the members appointed by the Governor must be 60 years of age or older. At least 10 of the members must be individuals who are minority persons as defined by s. 288.703, F.S.² Member terms are 4 years from dates of appointment. A chairperson appointed by the Governor serves for a 2-year term. The CCRAB meets at least semiannually and 16 members constitute a quorum. All members serve as volunteers; however, travel and hotel expenses for meeting attendance are currently paid for by Moffitt, which is then reimbursed by the Department, pursuant to ss. 1004.435 and 112.061, F.S.³

Many member organizations have had poor attendance at CCRAB meetings in recent years. Members from the following organizations have attended 3 or fewer meetings out of the 9 total meetings that were held from 2008-2013:⁴

- Florida Society of Pathologists
- Florida Hospital Association
- American College of Surgeons
- Florida Radiological Society
- Florida Pediatric Society
- Florida Agricultural and Mechanical University Institute of Public Health
- NOVA Southeastern College of Osteopathic Medicine
- Florida Dental Association
- UF College of Medicine

CCRAB Functions

Annually the CCRAB approves the Florida Cancer Plan, which provides strategies for cancer control and research that must be consistent with the State Health Plan and integrated and coordinated with existing programs in this state. The CCRAB annually reviews the priority strategies. Recently, the Florida Cancer Plan Council proposed strategies to increase stakeholder participation in cancer prevention efforts, access to screening and treatment, and survivorship rates.⁵

Additionally, the CCRAB is required to:

- Recommend to the State Surgeon General a plan for the care and treatment of persons suffering from cancer and standard requirements for cancer units in hospitals and clinics in Florida;
- Recommend grant and contract awards for the planning, establishment, or implementation of programs in cancer control or prevention, cancer education and training, and cancer research;

² Section 288.703, F.S., defines a minority person as a lawful permanent resident of Florida who is: an African American, a person having origins in any of the black racial groups of the African Diaspora, regardless of cultural origin; a Hispanic American, a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean, regardless of race; an Asian American, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands before 1778; a Native American, a person who has origins in any of the Indian Tribes of North America before 1835, upon presentation of proper documentation thereof as established by rule of the Department of Management Services; an American woman

³ Pursuant to a contract between Moffitt and the Department, the Department reimburses Moffitt for members' travel expenses using Centers for Disease Control and Prevention grant money. A copy of the contract is on file with Health and Human Services Committee staff.

⁴ CCRAB Meeting Attendance, 2008-2013(on file with Health and Human Services Committee staff).

⁵ 2012-2013 Florida Cancer Plan Priority Strategies, Cancer Control and Research Advisory Council report available at: <http://www.ccrab.org/Publications.aspx> (last accessed February 15, 2014).

- Pursuant to legislative appropriations, provide written summaries that are easily understood by the average adult patient, and inform actual and high-risk breast cancer patients, prostate cancer patients, and men who are considering prostate cancer screening of the medically viable treatment alternatives available to them and the relative advantages, disadvantages, and risks associated with such treatment;
- Implement an educational program for the prevention of cancer and its early detection and treatment; and
- Advise the Board of Governors or the State Surgeon General on methods of enforcing and implementing laws concerning cancer control, research, and education; and recommend to the Board of Governors or the State Surgeon General rulemaking needed to enable the CCRAB to perform its duties.

In addition, seven CCRAB members participate on a joint committee formed with 6 members of the Biomedical Research Advisory Council to create the criteria and process for cancer centers to be designated as Cancer Centers of Excellence under the Cancer Center of Excellence Award Program.⁶

Florida Cancer Control and Research Fund

Section 1004.435(6), F.S., establishes the Florida Cancer Control and Research Fund⁷ consisting of funds appropriated from the General Revenue Fund and any gifts, grants or funds received from other sources. The fund is used exclusively for grants to contract with qualified nonprofit associations or governmental agencies for cancer control and prevention, education and training, cancer research, and other related expenses to fund the programs authorized by the State Board of Education or the State Surgeon General.⁸

Funds have never been allocated for the Florida Cancer Control and Research Fund although there have been attempts to obtain funding by the CCRAB.⁹

Written Summaries on Breast Cancer and Prostate Cancer Treatment

The law currently instructs the CCRAB to develop or purchase written summaries, written in layman's terms to inform actual and high risk breast cancer patients, prostate cancer patients, and men who are considering prostate cancer screening of medically viable treatment alternatives available to them.¹⁰ Under s. 458.324 (1)(2), F.S. and s. 459.0125 (1)(2), F.S., "medically viable" is defined to mean modes of acceptable treatment as outlined in these written summaries developed or purchased by the CCRAB.

Physicians are instructed to discuss the written summary with their patient or the legal representative of such patient by communicating the information directly to them and providing a copy of the summary to the patient or the patient's legal representative.¹¹

Funds have been appropriated for the development of the written summaries twice; once in 1996 for summaries printed in English, and once in 1999 for summaries printed in English and Spanish.¹²

Effect of Proposed Changes

This bill revises the membership total of the CCRAB from 35 members to 15 members and modifies the membership appointment process as follows:

⁶ Chapter 2013-50, L.O.F.

⁷ The Florida Cancer Control and Research Fund was established in law in 2002. Section 189, ch. 2002-387, L.O.F.

⁸ Section 1004.435(6), F.S.

⁹ Email correspondence with the Department, February 17, 2014 (on file with Health and Human Services Committee staff).

¹⁰ Section 1004.435(4)(m), F.S.

¹¹ Section 458.324 (1)(2) F.S.

¹² Email correspondence with the Department, February 17, 2014 (on file with Health and Human Services Committee staff).

- The Governor appoints one member who specializes in pediatric oncology research or clinical care.
- The President of the Senate appoints 2 members; one Senator and one individual who specializes in oncology clinical care or research.
- The Speaker of the House of Representatives appoints 2 members; one Representative and one individual who is a current or former cancer patient or a current or former caregiver to a cancer patient.
- The State Surgeon General will serve as a member or appoint a designee to represent the Department.
- The chief executive officer of each of the 9 organizations below must appoint one member:
 - American Cancer Society
 - Sylvester Comprehensive Cancer Center of the University of Miami
 - University of Florida, Shands Cancer Center
 - Florida Nurses Association (specializing in the field of oncology and who represents an organization not already represented on the CCRAB)
 - Florida Osteopathic Medical Association (specializing in the field of oncology)
 - Florida Medical Association (specializing in the field of oncology and who represents a cancer center not already represented on the CCRAB)
 - Moffitt Cancer Center
 - Florida Hospital Association (specializing in the field of oncology and who represents a comprehensive cancer center not already represented on the CCRAB)
 - Association of Community Cancer Centers

The bill authorizes the renewal of members' 4-year terms and authorizes the chairperson to be selected by the CCRAB, instead of being appointed by the Governor. To correspond to the reduction in membership, the bill provides that 8 members constitute a quorum instead of 16 and minority representation is satisfied with 4 members instead of 10.

The bill removes CCRAB members who represent the following organizations:¹³

- Florida Tumor Registrars Association
- Agency for Health Care Administration
- American College of Surgeons
- School of Medicine of the University of Miami
- College of Medicine of the University of Florida
- NOVA Southeastern College of Osteopathic Medicine
- College of Medicine of the University of South Florida
- College of Public Health of the University of South Florida
- Florida Society of Clinical Oncology
- Florida Obstetric and Gynecological Society
- Florida Ovarian Cancer Alliance Speaks organization
- Florida Pediatric Society
- Florida Radiological Society
- Florida Society of Pathologists
- Florida Dental Association
- A statutory teaching hospital affiliated with a community based cancer center
- Florida Association of the Pediatric Tumor Programs, Inc.
- Cancer Information Service
- Florida Agricultural and Mechanical University Institute of Public Health
- Florida Society of Oncology Social Workers

¹³ H. Lee Moffitt Cancer Center provided attendance records of CCRAB meetings from 2008-2013 which demonstrated 10 out of the 20 members being removed attended 3 or less meetings out of a total of 9 meetings held during that time period. The attendance records are on file with committee staff.

The CCRAB members will continue to serve without pay, but the bill removes an allowance for per diem and requires the institution or organization that a member represents to be responsible for travel reimbursement. If a member is not affiliated with an organization, the member must be reimbursed for travel expenses by Moffitt.

The bill removes the requirement that the CCRAB develop or purchase, make available to physicians and surgeons, and update written summaries regarding breast cancer and prostate cancer treatment alternatives when funds are appropriated for such purpose. The bill also removes the requirement that the CCRAB develop and implement educational programs about the early detection and treatment of breast cancer and prostate cancer.

The bill also makes conforming changes, regarding the removal of the requirement for the CCRAB to provide written summaries, by deleting the requirement for physicians to provide copies of the written summaries to patients or the patients' legal guardians.

The bill requires the CCRAB to collaborate with the Biomedical Research Advisory Council to develop and recommend to the State Surgeon General, and annually review, a statewide research plan. The bill also requires the CCRAB to develop and annually review a cancer treatment plan, titled the "Florida Cancer Treatment Plan," and changes the title of the "Florida Cancer Plan," to the "Florida Cancer Control and Research Plan."

The bill deletes the Florida Cancer Control and Research Fund and, to conform to this change, the bill removes the requirement that the:

- CCRAB recommend the awarding of grants and contracts to qualified nonprofit associations or governmental agencies in order to plan, establish, or conduct programs in cancer control or prevention, cancer education and training, and cancer research.
- Board of Governors or the State Surgeon General award grants or contracts after consultation with CCRAB.
- Members of the CCRAB must refrain from participating in discussions or decisions to recommend grants or contracts to a qualified nonprofit association or any state agency, or its political subdivision, if the CCRAB member has an association or contractual relationship with that entity.

B. SECTION DIRECTORY:

Section 1. Amends s. 1004.435, F.S., relating to cancer control and research.

Section 2. Amends s. 458.324, F.S., relating to breast cancer and information on treatment alternatives.

Section 3. Amends s. 459.0125, F.S., relating to breast cancer and information on treatment alternatives.

Section 4. Provides an effective date of July 1, 2014.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Centers for Disease Control and Prevention grant funds that are awarded to the Department and used to reimburse Moffitt for members' travel will be redirected to other strategies within the Department's cancer-related programs.¹⁴

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Currently, Moffitt pays all members' travel reimbursement for CCRAB meetings, and then is reimbursed by the Department. The bill transfers the responsibility for travel costs reimbursement to each member's representative organization. Moffitt will continue to reimburse a member for travel costs if the member is not affiliated with an institution or organization, such as the member who is a current or former cancer patient or a current or former caregiver to a cancer patient, and for the Moffitt member on the CCRAB.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

No rulemaking authority is required to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 18, 2014, the Health Quality Subcommittee adopted a technical amendment and reported the bill favorably as a committee substitute. The bill added the word "of" to "Association of Community Cancer Centers." This analysis is drafted to the committee substitute.

On March 20, 2014, the Health and Human Services Committee adopted 3 amendments and reported the bill favorably as a committee substitute. The amendments:

- Change the term "representative" to "member" to ensure appointees are formal members of the represented organizations on the CCRAB.

¹⁴ Email correspondence with the Department, March, 18, 2014 (on file with Health and Human Services Committee staff).
STORAGE NAME: h0511d.HHSC
DATE: 3/21/2014

- Require that the member from the Florida Nurses Association specializes in oncology and represents an organization not already represented on the CCRAB.
- Require that the member representing the Florida Medical Association specializes in oncology and represents a cancer center not already represented on the CCRAB.
- Require that the member representing the Florida Hospital Association specializes in oncology and represents a comprehensive cancer center not already represented on the CCRAB.
- Require the CCRAB to collaborate with the Biomedical Research Advisory Council on formulating and annually reviewing the statewide research plan.
- Require the annual review of an existing statewide cancer treatment plan.
- Change the name “Florida Cancer Plan” to “Florida Cancer Control and Research Plan.”
- Create a formal title for the cancer treatment plan, the “Florida Cancer Treatment Plan.”

The analysis is drafted to the committee substitute as passed by the Health and Human Services Committee.