

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Health Regulation Committee

BILL: SB 1282

INTRODUCER: Senator Storms

SUBJECT: Women's Health

DATE: March 18, 2011      REVISED: 03/22/11

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	O'Callaghan	Stovall	HR	<b>Fav/1 amendment</b>
2.			BC	
3.				
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input type="checkbox"/>            | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input checked="" type="checkbox"/> | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

This bill makes certain findings related to women's health including: the Department of Health's (DOH) role in reducing the number of deaths of women diagnosed with cancer or other diseases; the need for DOH to develop a program to educate women and make them aware of gynecologic cancers; the number of women affected by, and the survival rate associated with, gynecologic cancers; and the importance of early detection and treatment of gynecologic cancers.

The bill creates the "Gynecologic and Ovarian Cancer Education and Awareness Act" (act). The bill amends s. 381.04015, F.S., to establish within the DOH a Gynecologic and Ovarian Cancer Awareness Program (program). The bill requires the DOH to implement the program, to the extent funds are appropriated to fulfill this purpose or existing federal or state resources are made available to the DOH, by:

- Providing information to the public regarding women's gynecologic cancers;
- Publishing information related to gynecologic cancers on the DOH website along with a link to the Centers for Disease Control and Prevention's website;
- Developing and providing public service announcements and advertisements informing the public about gynecologic cancers;

- Forming and executing a distribution plan to disseminate gynecologic cancer educational materials and information;
- Encouraging health care providers to display and distribute gynecologic cancer education materials; and
- Appointing, by October 1, 2011, a Women's Gynecologic Cancer Information Advisory Council (council).

The bill also provides requirements as to the membership of the council and requires the council to meet at least biannually.

This bill substantially amends s. 381.04015, F.S.

This bill also creates an undesignated section of the Florida Statutes.

## II. Present Situation:

### Gynecologic Cancers

Gynecologic cancer is any cancer that starts in a woman's reproductive organs. There are five main gynecologic cancers (cervical, ovarian, uterine, vaginal, and vulvar). Each year in the United States, approximately 71,500 women are diagnosed with gynecologic cancer, and approximately 26,500 women die from it.<sup>1</sup>

It is unknown what exactly causes gynecologic cancers, but it is clear that certain changes in cells can cause such cancers. Cell changes can be acquired or inherited. If the changes are acquired, they are caused by environmental factors, such as smoking. Almost all cervical cancers and some vaginal and vulvar cancers are caused by human papillomavirus, also called HPV, which is an acquired virus. If cell changes are inherited, they are passed from parent to child through genes.<sup>2</sup>

The Centers for Disease Control and Prevention (CDC) recommend the following to prevent or detect gynecologic cancers:

- Pay attention to your body and know what is normal for you.
- Make healthy lifestyle choices.
- Know your family health history and share it with your doctor.
- Get the HPV vaccine if you are at an age when it is recommended.
- Get regular Pap (Papanicolaou) tests.<sup>3</sup>

According to the CDC, some symptoms of gynecologic cancer include:

- Abnormal vaginal bleeding or discharge.
- Pelvic pain or pressure.
- Abdominal or back pain.
- Bloating.

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<sup>1</sup> Centers for Disease Control and Prevention, *Get the Facts About Gynecologic Cancer*, available at: [http://www.cdc.gov/cancer/knowledge/pdf/CDC\\_GYN\\_Comprehensive\\_Brochure.pdf](http://www.cdc.gov/cancer/knowledge/pdf/CDC_GYN_Comprehensive_Brochure.pdf) (Last visited on March 18, 2011).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

- Changes in bathroom habits.
- Itching or burning of the vulva.
- Changes in vulva color or skin, such as a rash, sores, or warts.<sup>4</sup>

### **The Department of Health**

Section 20.43, F.S., creates the DOH. The DOH is responsible for the state's public health system, which is designed to promote, protect, and improve the health of all people in the state. The mission of the state's public health system is to foster the conditions in which people can be healthy, by assessing state and community health needs and priorities through data collection, epidemiologic studies, and community participation; by developing comprehensive public health policies and objectives aimed at improving the health status of people in the state; and by ensuring essential health care and an environment which enhances the health of the individual and the community.<sup>5</sup> The State Surgeon General is the State Health Officer and the head of the DOH.

### ***Officer of Women's Health Strategy***

In 2004, Florida passed legislation establishing the Department of Health Officer of Women's Health Strategy with the charge to direct public policy to address the distinct health needs of women across the life span.<sup>6</sup>

Under s. 381.04015, F.S., it is the duty of the Officer of Women's Health Strategy to:

- Ensure that the state's policies and programs are responsive to sex and gender differences and to women's health needs across women's life spans.
- Organize an interagency Committee for Women's Health for the purpose of integrating women's health programs in current operating and service delivery structures and setting priorities for women's health.
- Assess the health status of women in the state through the collection and review of health data and trends.
- Review the state's insurance code as it relates to women's health issues.
- Work with medical school curriculum committees to develop course requirements on women's health and promote clinical practice guidelines specific to women.
- Organize statewide Women's Health Month activities.
- Coordinate a Governor's statewide conference on women's health, co-sponsored by the agencies participating in the Committee for Women's Health and other private organizations and entities impacting women's health in the state.
- Promote research, treatment, and collaboration on women's health issues at universities and medical centers in the state.
- Promote employer incentives for wellness programs targeting women's health programs.
- Serve as the primary state resource for women's health information.
- Develop a statewide women's health plan emphasizing collaborative approaches to meeting the health needs of women.
- Promote clinical practice guidelines specific to women.

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<sup>4</sup> *Id.*

<sup>5</sup> Section 381.001, F.S.

<sup>6</sup> Section 3, ch. 2004-350, L.O.F.

- Serve as the state's liaison with other states and federal agencies and programs to develop best practices in women's health.
- Develop a statewide, web-based clearinghouse on women's health issues and resources.
- Promote public awareness campaigns and education on the health needs of women.
- By January 15 of each year, provide the Governor, the President of the Senate, and the Speaker of the House of Representatives a report with policy recommendations for implementing the provisions of s. 381.04015, F.S.

### ***The Comprehensive Cancer Control Program***

The Comprehensive Cancer Control Program, housed under the Bureau of Chronic Disease Prevention and Health Promotion in the DOH, is funded through a cooperative agreement with the Centers for Disease Control and Prevention. The program focuses on colorectal, lung, ovarian, prostate, and skin cancers. The main objective of the cooperative agreement is to reduce the cancer burden through a collaborative effort with public and private partners throughout Florida. This is accomplished by working with the existing governor-appointed Cancer Control Research Advisory Board (C-CRAB) and a myriad of statewide cancer stakeholders including the National Cancer Institute's Cancer Information Services, the American Cancer Society, and Florida Comprehensive Cancer Control Initiative, among others.<sup>7</sup>

### ***Statewide Cancer Registry***

Section 385.202, F.S., requires each hospital or other licensed facility to report to the DOH information that indicates diagnosis, stage of disease, medical history, laboratory data, tissue diagnosis, and radiation, surgical, or other methods of diagnosis or treatment for each cancer diagnosed or treated by that facility. The DOH, or a medical organization pursuant to a contract with the DOH, is required to maintain and make available for research such information in a statewide cancer registry.

### **Cancer Control and Research Act**

The Cancer Control and Research Act (Research Act) is created in s. 1004.435, F.S. The Florida C-CRAB is established within the Research Act to advise the Board of Governors, the State Surgeon General, and the Legislature with respect to cancer control and research in Florida. The C-CRAB consists of 34 members. Annually the C-CRAB approves the Florida Cancer Plan, which is a program for cancer control and research that must be consistent with the State Health Plan and integrated and coordinated with existing programs in this state. Additional responsibilities of the C-CRAB include:

- Recommending 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;
- Recommending grant and contract awards for the planning, establishment, or implementation of programs in cancer control or prevention, cancer education and training, and cancer research;
- Pursuant to Legislative appropriations, providing written summaries that are easily understood by the average adult patient, informing actual and high-risk breast cancer

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<sup>7</sup> Florida Department of Health, *Florida Cancer Plan*, available at <http://www.doh.state.fl.us/family/cancer/plan/> (Last visited on February 3, 2011).

- patients, prostate cancer patients, and men who are considering prostate cancer screening of the medically viable treatment alternatives available to them and explaining the relative advantages, disadvantages, and risks associated therewith;
- Implementing an educational program for the prevention of cancer and its early detection and treatment;
  - Advising the Board of Governors and the State Surgeon General on methods of enforcing and implementing laws concerning cancer control, research, and education; and
  - Recommending to the Board of Governors or the State Surgeon General rulemaking needed to enable the C-CRAB to perform its duties.

### **Advisory Councils**

Section 20.03(7), F.S., defines “advisory council” to mean “an advisory body created by specific statutory enactment and appointed to a function on a continuing basis for the study of the problems arising in a specified functional or program area of state government and to provide recommendations and policy alternatives.” Section 20.052, F.S., establishes requirements for advisory bodies created by a specific statutory enactment. An advisory body may not be created unless:

- It meets a statutorily defined purpose;
- Its powers and responsibilities conform with the definitions for governmental units in s. 20.03, F.S.;
- Its members, unless expressly provided otherwise in the State Constitution, are appointed for 4-year staggered terms; and
- Its members, unless expressly provided otherwise by specific statutory enactment, serve without additional compensation or honorarium, and are authorized to receive only per diem and reimbursement for travel expenses as provided in s. 112.061, F.S.

### **III. Effect of Proposed Changes:**

This bill makes certain findings related to women’s health including: the DOH’s role in reducing the number of deaths of women diagnosed with cancer or other diseases; the need for DOH to develop a program to educate women and make them aware of gynecologic cancers; the number of women affected by, and the survival rate associated with, gynecologic cancers; and the importance of early detection and treatment of gynecologic cancers.

The bill creates the “Gynecologic and Ovarian Cancer Education and Awareness Act” (act).

The bill amends s. 381.04015, F.S., to establish within the DOH a Gynecologic and Ovarian Cancer Awareness Program (program). The bill requires the DOH to implement the program, to the extent funds are appropriated to fulfill this purpose or existing federal or state resources are made available to the DOH, by:

- Providing information to the public regarding women’s gynecologic cancers, including signs and symptoms, risk factors, benefits of early detection through appropriate diagnostic testing, and treatment options;
- Publishing information related to gynecologic cancers on the DOH website along with a link to the Centers for Disease Control and Prevention’s website for in-depth gynecologic health information or offer such information in audio, video, electronic or other media format:

- Developing and providing public service announcements and advertisements that emphasize the early warning signs and risk factors associated with gynecologic cancers, indicate how educational materials can be obtained, and encourage women to discuss the risks of such cancers with their health care providers;
- Forming and executing a distribution plan and strategy to disseminate gynecologic cancer educational materials and information, which must recommend and encourage individual public health facilities to obtain gynecologic cancer educational materials made available by federal, state, and other resources and display and distribute those materials to their consumers and patients;
- Encouraging, through a distribution plan, health care providers to display and distribute gynecologic cancer education materials to their consumers and patients; and
- Appointing, by October 1, 2011, a Women's Gynecologic Cancer Information Advisory Council (council).

The bill provides that the council shall be chaired by the Officer of Women's Health Strategy or other officer designated by the Deputy Secretary of the DOH. The council is required to meet at least biannually. Members of the council must include health care professionals, health care providers, consumers, patients, and representatives of nonprofit organizations that concentrate on gynecologic cancers, and other appropriate representatives as determined by the department. Members of the council are not entitled to compensation for the performance of their duties, but may be reimbursed for reasonable and necessary expenses incurred while engaged in the performance of those duties.

The bill provides that it will take effect on July 1, 2011.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

##### **B. Public Records/Open Meetings Issues:**

The provisions of the bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

##### **C. Trust Funds Restrictions:**

The provisions of this bill have no impact on the trust fund restrictions under the requirements of Article III, Subsection 19(f) of the Florida Constitution.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Private health care providers may incur costs if they elect to disseminate information to the public related to gynecologic cancers, which is encouraged by the program.

**C. Government Sector Impact:**

The DOH is only required to implement the program to the extent that funds are appropriated or existing federal or state resources are made available for the purpose of the program. Therefore, the DOH should not incur any costs that would affect existing resources.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The provisions in the bill creating the council may not comport with the requirements of s. 20.052, F.S. For example, the purpose of the council is not explicit, the members are not appointed for 4-year staggered terms, and the bill may authorize reimbursement for expenses other than travel.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:****Barcode 538014 by Health Regulation on March 22, 2011:**

Renames the “Gynecologic and Ovarian Cancer Education and Awareness Act” as the “Kelly Smith Gynecologic and Ovarian Cancer Education and Awareness Act.”  
(WITH TITLE AMENDMENT)