

By the Committee on Health, Aging and Long-Term Care; and
Senators Sanderson and Miller

317-1738-01

1 A bill to be entitled
2 An act relating to Medicaid assistance for
3 breast and cervical cancer treatment; creating
4 the Mary Brogan Breast and Cervical Cancer
5 Early Detection Program Act; amending s.
6 409.904, F.S.; authorizing Medicaid
7 reimbursement for medical assistance provided
8 to certain persons for treatment of breast or
9 cervical cancer; providing an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Section 381.93, Florida Statutes is created
14 to read:

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16 381.93 Breast and cervical cancer early detection
17 program.--This section may be cited as the "Mary Brogan Breast
18 and Cervical Cancer Early Detection Program Act."

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20 (1) It is the intent of the Legislature to reduce the
21 rates of death due to breast and cervical cancer through early
22 diagnosis and increased access to early screening, diagnosis,
23 and treatment programs.

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25 (2) The Department of Health, using available federal
26 funds and state funds appropriated for that purpose, is
27 authorized to establish the Mary Brogan Breast and Cervical
28 Cancer Screening and Early Detection Program to provide
29 screening, diagnosis, evaluation, treatment, case management,
30 and followup and referral to the Agency for Health Care
31 Administration for coverage of treatment services.

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33 (3) The Mary Brogan Breast and Cervical Cancer Early
34 Detection Program shall be funded through grants for such
35 screening and early detection purposes from the federal

1 Centers for Disease Control and Prevention under Title XV of
2 the Public Health Service Act, 42 U.S.C. 300k et seq.

3 (4) The department shall limit enrollment in the
4 program to persons with incomes up to and including 200
5 percent of the federal poverty level. The department shall
6 establish an eligibility process that includes an
7 income-verification process to ensure that persons served
8 under the program meet income guidelines.

9 (5) The department may provide other breast and
10 cervical cancer screening and diagnostic services; however,
11 such services shall be funded separately through other sources
12 than this act.

13 Section 2. Subsection (9) is added to section 409.904,
14 Florida Statutes, to read:

15 409.904 Optional payments for eligible persons.--The
16 agency may make payments for medical assistance and related
17 services on behalf of the following persons who are determined
18 to be eligible subject to the income, assets, and categorical
19 eligibility tests set forth in federal and state law. Payment
20 on behalf of these Medicaid eligible persons is subject to the
21 availability of moneys and any limitations established by the
22 General Appropriations Act or chapter 216.

23 (9) A woman who has not attained 65 years of age and
24 who has been screened for breast or cervical cancer by a
25 qualified entity under the Mary Brogan Breast and Cervical
26 Cancer Early Detection Program of the Department of Health and
27 needs treatment for breast or cervical cancer and is not
28 otherwise covered under creditable coverage, as defined in s.
29 2701(c) of the Public Health Service Act. For purposes of this
30 subsection, the term "qualified entity" means a county public
31 health department or other entity that has contracted with the

1 Department of Health to provide breast and cervical cancer
2 screening services paid for under this act. In determining the
3 eligibility of such a woman, an assets test is not required. A
4 presumptive eligibility period begins on the date on which all
5 eligibility criteria appear to be met and ends on the date
6 determination is made with respect to the eligibility of such
7 woman for services under the state plan or, in the case of
8 such a woman who does not file an application, by the last day
9 of the month following the month in which the presumptive
10 eligibility determination is made. A woman is eligible until
11 she gains creditable coverage, until treatment is no longer
12 necessary, or until attainment of 65 years of age.
13 Notwithstanding s. 216.292, the Department of Health shall
14 transfer general funds to the Agency for Health Care
15 Administration to fund the state-match requirements exceeding
16 the amount specified in the General Appropriations Act for
17 services to persons made eligible under this paragraph.

18 Section 3. This act shall take effect July 1, 2001.

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20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
21 COMMITTEE SUBSTITUTE FOR
22 Senate Bill 1306

23 The Committee Substitute for Senate Bill 1306 authorizes the
24 Department of Health to use available federal and state
25 funding to establish the Mary Brogan Breast and Cervical
26 Cancer Screening and Early Detection Program. The purpose of
27 the program is to provide screening, diagnosis, evaluation,
28 treatment, case management, follow-up and referral to the
29 Agency for Health Care Administration for coverage of
30 treatment services for certain women who have been screened
31 for breast or cervical cancer under the program. The Committee
Substitute specifies the eligibility and enrollment
limitations. The Committee Substitute, rather than creating a
new optional Medicaid service category, creates a new optional
Medicaid eligibility category for women who have been screened
through the program and specifies eligibility criteria.