

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

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Prepared By: Judiciary Committee

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BILL: SB 1498

SPONSOR: Senator Miller

SUBJECT: Lead Poisoning Prevention Screening and Education

DATE: April 11, 2005

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Garner</u>	<u>Wilson</u>	<u>HE</u>	<b>Favorable</b>
2.	<u>Maclure</u>	<u>Maclure</u>	<u>JU</u>	<b>Favorable</b>
3.	_____	_____	<u>HA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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## I. Summary:

Senate Bill 1498 creates the “Lead Poisoning Prevention Screening and Education Act.” The bill expands the Department of Health’s health education responsibilities for prevention and identification of lead poisoning by establishing a multifaceted, statewide educational program designed to increase public awareness on the hazards of childhood lead poisoning, primarily as a result of exposure to lead-based paints in older buildings. The bill creates a collaborative public information initiative sponsored by the Governor, the Secretary of Health, and private industry representatives to produce and distribute public service announcements and other materials that contain culturally and linguistically appropriate information.

The bill establishes a statewide screening program for early identification of persons at risk of lead poisoning, including requirements for screening in Florida’s Medicaid program. The bill requires the development of guidelines for medical follow-up of children identified with elevated blood-lead levels, and a surveillance system for geographic areas with the highest prevalence of children with elevated blood-lead levels.

This bill creates five unnumbered sections of the Florida Statutes.

## II. Present Situation:

### Childhood Lead Poisoning

The Federal Centers for Disease Control and Prevention (CDC) have termed excessive absorption of lead as “one of the most common pediatric health problems in the U.S. today and it

is entirely preventable.”<sup>1</sup> Approximately 434,000 U.S. children age 1-5 years have blood-lead levels greater than the CDC recommended level of 10 micrograms of lead per deciliter (ug/dL) of blood.

Lead poisoning can affect nearly every system in the body. Lead poisoning can cause learning disabilities, behavioral problems, and, at very high levels, seizures, coma, and even death. Because lead poisoning often occurs with no obvious symptoms, it frequently goes unrecognized.

The main source of lead exposure among U.S. children is lead-based paint and lead-contaminated dust found in deteriorating buildings. Lead-based paints were banned from use in housing in 1978; however, approximately 24 million housing units in the U.S. still contain deteriorated leaded paint and elevated levels of lead-contaminated house dust. More than 4 million of these dwellings are homes to one or more young children.

Children are at particular risk for lead exposure due to their regular hand-to-mouth activity during daily play where lead-based paint is peeling or flaking. The dust from this deteriorating paint is easily ingested and is a significant source of exposure. According to the Children’s Environmental Health Network, children 9 months of age to 2-1/2 years of age are at the greatest risk of lead poisoning. They have greater hand-to-mouth activity; their brains are more sensitive to the toxic effects of lead; and they absorb a greater percentage of the lead that is ingested.

Other effects of lead poisoning may include diminished intelligence, learning disabilities, delayed congenital development, interference with calcium metabolism, reduced heme syntheses (or the body’s ability to manufacture red blood cells), reduced kidney function, and damage to the central nervous system. The damage to the central nervous system is not reversible. The extent to which these effects will be present in a child depends on a number of factors, including the duration and intensity of exposure. These factors are still being studied to determine long-term effects of exposure on children.

Children enrolled in the Medicaid program are required by federal law to be tested, and they represent the largest population screened. According to the Department of Health (DOH), lead poisoning became a reportable disease in 1992. Since then, more than 7,000 children in Florida have been identified with a confirmed case of lead poisoning [a venous (blood drawn through the vein) blood-lead level equal to or greater than 10 micrograms per deciliter (ug/dL)]. Many other children are exposed to lead, but are not screened. Confirmed venous draws are counted as cases, but many children with elevated unconfirmed capillary (finger stick) tests do not receive their appropriate follow-up venous draw. Blood-lead results submitted by laboratories do not always contain complete and consistent identifying information important for thorough public health surveillance.

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<sup>1</sup> *Preventing Lead Poisoning in Young Children*, Office of the Director, National Center for Environmental Health and Injury Control, 1991.

## **Florida's Childhood Lead Poisoning Prevention Program (CLPPP)**

The Childhood Lead Poisoning Prevention Program (CLPPP) was established in 1992 with a grant from the Centers for Disease Control and Prevention (CDC). The CLPPP currently operates within DOH, Bureau of Community Environmental Health.

According to DOH, lead poisoning became a notifiable disease in Florida in 1992, and in 1993 the program began collecting and entering laboratory-based surveillance data into the state database at the Division of Environmental Health in Tallahassee. Program staff maintains laboratory data and blood-lead-level results, and accompanying information is entered, checked for quality, and merged to a main database.

In July 2003, the Florida CLPPP became a centralized, statewide lead poisoning prevention program and absorbed three previously independent CDC-funded lead programs in Miami-Dade, Pinellas, and Duval counties. The state CLPPP receives an estimated \$1 million dollars from the CDC each year and distributes the majority of these funds to the Miami-Dade, Pinellas, and Duval county health departments, which continue to operate comprehensive childhood lead programs. A small amount of funding is also distributed to Broward, Hillsborough, Orange, Palm Beach, and Polk counties. Like Miami-Dade, Pinellas, and Duval, these five counties also have a number of older housing units and a large population of at-risk children.

In total, CDC funding supports 14 full-time and seven part-time DOH staff. These employees coordinate and assist with educating the public, improving the blood-lead screening rates, educating health care providers, and providing comprehensive case management. Staff also develops partnerships to coordinate primary prevention activities. Funds are also used for travel and to purchase and distribute outreach materials.

The program distributes literature regarding the prevention of childhood lead poisoning and stresses the importance of screening and follow-up of at-risk children. This literature is published in English, Spanish, Vietnamese, and Creole. The literature is distributed via the state CLPPP, county health departments, private providers, and community organizations. Both the state and county level CLPPPs sponsor public service announcements related to preventing childhood lead exposure. The programs work closely with partners such as the Agency for Health Care Administration (AHCA) in this effort.

## **Medicaid and Childhood Lead Poisoning**

As part of Medicaid's Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program [currently known in Florida as Child Health Check-Up (CHCUP)], federal regulations require that all Medicaid-eligible children receive a screening blood-lead test at 12 months of age, at 24 months of age, and between the ages of 36 and 72 months, if they have not been previously screened for lead poisoning. A blood-lead test result equal to or greater than 10 micrograms per deciliter obtained by capillary specimens (fingerstick) must be confirmed using a venous blood sample. If a child is found to have blood-lead levels equal to or greater than 10 micrograms per deciliter, providers are advised to use their medical discretion with reference to current CDC guidelines covering patient management and treatment, including follow-up blood tests and initiating investigation as to the source of lead, where indicated.

Medicaid has a Lead Poisoning Prevention Flyer (English with reverse side in Spanish) that is sent out with the monthly CHCUP letters to eligible children nine months to five years of age to increase the awareness of families/caregivers of the importance of screening blood-lead testing. The flyer/poster has also been produced in Creole. In addition, Medicaid has developed two public service announcements identifying the importance of blood-lead testing.

### **Screening Guideline**

Florida developed a statewide Screening Guideline (updated in 2001) with grant monies from the CDC, DOH, CLPPP and its advisory council, supporting the screening of children in at-risk groups. The document includes the AHCA requirement that all Medicaid eligible children receive a blood-lead test at age 12 months and age 24 months or between the ages of 36 and 72 months if they have not been previously screened for lead poisoning. The Screening Guideline provides a case management structure of services and interventions, updated in 2003 to meet the most current CDC recommendations. County CLPPPs collaborate with local partners to identify and ensure that children in high-risk groups are screened. They also assist private providers and DOH's Children's Medical Services Program to provide care and treatment to children with elevated blood-lead levels.

Although the CDC has funded CLPPP to maintain a statewide lead-screening database containing blood-lead screening records dating back to 1993, it has informed the program that funding for screening services will not be provided after June 30, 2006. Some funding should be available for outreach activities beyond this date, but it is unlikely that any CDC funding for the CLPPP program will continue after 2010.

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

**Section 1.** Provides a popular name for this act as the "Lead Poisoning Prevention Screening and Education Act."

**Section 2.** Provides legislative findings, including: nearly 300,000 children in the U.S. may have elevated levels of lead in their blood; high blood-lead levels may result in impairment of the ability to think, concentrate, and learn; a significant source of lead poisoning is from lead-based paints used in older residences; childhood lead poisoning can be prevented through education; knowledge of lead-based paint hazards, their control, mitigation, abatement, and risk avoidance is not sufficiently widespread; most children at risk for lead poisoning are not tested for elevated blood-lead levels; and testing for elevated blood-lead levels can result in the mitigation or prevention of its harmful effects.

**Section 3.** Provides definitions as used in this act, including: affected property (a residential dwelling with lead-based paint hazards); dust-lead hazard; elevated blood-lead level; lead-based paint; lead-based paint hazard; owner (used in the context of property ownership); paint-lead hazard; person at risk; Secretary (Department of Health or a designee); and tenant.

**Section 4.** Establishes the lead poisoning prevention educational program to meet the educational needs of tenants, property owners, health care providers, early childhood educators,

care providers<sup>2</sup>, and realtors; requires the Governor, in conjunction with the Secretary of Health and involvement of private organizations, to sponsor a series of public service announcements about the nature of lead-based paint hazards, the importance of prevention standards, and the nature of this act; requires the development of culturally and linguistically appropriate information pamphlets regarding childhood lead poisoning, the importance of screening, prevention of lead poisoning, treatment of lead poisoning, and the requirements of this act; requires this information to be distributed to parents or legal guardians of children six years of age or younger through property owners, health care providers, and owners or operators of child care facilities and kindergarten classes.

**Section 5.** Requires the Secretary of Health to establish a program for early identification of persons at risk of having elevated blood-lead levels; requires screening for children at age 12 months and 24 months, or between the ages of 36 months and 72 months if they have not previously been screened; requires the Secretary to promulgate rules for screening these individuals and guidelines for the medical followup on children found to have elevated blood-lead levels; identifies persons that should receive priority screening, including Medicaid children, children under the age of 6 years showing delayed cognitive development, at-risk persons living in the same residence as a person identified as having an elevated blood-lead level, at-risk persons in a geographic area with significant numbers of persons identified with elevated blood-lead levels, and at-risk persons residing in (or having resided in the last three years) a building that has been subject to enforcement for violations of lead poisoning prevention standards; requires the Secretary to maintain surveillance records of all screenings by geographic area and owner to determine the location of areas at risk; and requires that all cases or probable cases of lead poisoning found in the course of screening be reported to the affected individual, to his or her parent or legal guardian if the individual is a minor, and to the Secretary.

**Section 6.** Provides an effective date of July 1, 2005.

#### **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 Art. VII, Section 18 of the Florida Constitution.

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

The provisions of this bill have no impact on public records or open meetings issues under the requirements of Art. I, s. 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 Art. III, Subsection 19(f) of the Florida Constitution.

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<sup>2</sup> The term “care providers” is not defined in the bill. It is not clear if this reference may be intended to be “child care providers.”

**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Private industry organizations, including those involved in real estate, insurance, mortgage banking, and pediatrics, would be solicited by the Department of Health (DOH) in the development and coordination of a statewide, multifaceted, ongoing educational program. Property owners, health care providers, and child care facility owners or operators would be responsible for distributing information pamphlets regarding childhood lead poisoning, testing, prevention, and treatment. The exact cost is indeterminate at this time.

**C. Government Sector Impact:****Department of Health**

It is difficult to estimate the accurate number of uninsured children at high risk for lead poisoning who are not currently being tested by DOH through either the program funded by the CDC grant, or by county health departments and other DOH community health partners. The basis for the cost estimate for the total number of uninsured children in need of blood-lead-level testing was derived from the following data:

- According to the Children's Defense Fund, 16.6 percent of children under 19 years of age were uninsured in 2002;
- Children are normally screened at the age of 1 and 2 years;
- The Florida CHARTS<sup>3</sup> estimates the population of 1 and 2-year-olds in the state to be 625,000;
- About 15 percent of all housing units in Florida were built before 1959; and
- About 15 percent of all uninsured one and two year-old children live in pre-1959 housing, at high risk for lead poisoning.

Based on these figures, DOH will be responsible for testing 15,600 children (625,000 x 16.6 percent x 15 percent) at the cost of \$20/test each year.

Total estimated expenditures to implement this provision in year 1 would be \$1,426,628 and \$1,343,593 in year 2. The estimate includes 6 regional Environmental Health Lead Source Investigators, 6 regional Lead Poisoning Prevention Health Educators, 3 regional Phlebotomists, 1 regional Epidemiologist, and 4 Central Office Staff (1 Program Coordinator, a Data Manager, an Epidemiologist, and a Training Coordinator) to coordinate screening, physician outreach, and primary prevention activities as required in the bill. All positions are highly competitive and difficult to fill. Salaries are determined based on current wages of other comparable positions within DOH and the private sector.

<sup>3</sup> CHARTS is the Community Health Assessment Resource Tool Set, at [www.floridacharts.com](http://www.floridacharts.com).

However, as previously stated in the analysis, DOH has a lead poisoning prevention program funded through a grant from the CDC. DOH will be applying for grant funding to continue the program for the 2005-06 fiscal year. Should DOH be successful, the fiscal note could be reduced for the 2005-06 fiscal year by \$1,117,880, assuming DOH receives the entire amount requested (CDC grant awards are typically announced around June 1). The amount of \$308,748 would still be needed from an additional funding source to implement the requirements in the bill that are not covered by the CDC grant. This is to cover additional screening costs and literature required by the bill.

Second year costs in the 2006-07 fiscal year could likewise be reduced should DOH be successful in obtaining a CDC grant for that fiscal year. The fiscal note for year 2 could be reduced by \$1,022,045. The amount of \$321,548 would still be needed from an additional funding source to implement the requirements in the bill that are not covered by the CDC grant. This is to cover additional screening costs and literature required by the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.





## **VIII. Summary of Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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