

**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: CS/SB 936

INTRODUCER: Health Regulation Committee and Senators Aronberg and Sobel

SUBJECT: Breast Cancer Detection

DATE: April 7, 2010 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bell	Wilson	HR	Fav/CS
2.			HA	
3.				
4.				
5.				
6.				

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

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

**I. Summary:**

The Committee Substitute (CS) for Senate Bill 936 modifies the content of the breast cancer early detection and treatment referral program within the Department of Health (Department), to require that the breast cancer public and professional education and outreach programs use the guidelines currently employed by the United States Centers for Disease Control and Prevention (CDC), instead of the United States Preventive Services Task Force (USPSTF) guidelines.

This CS substantially amends s. 381.932, F.S.

**II. Present Situation:**

Breast cancer is cancer that forms in tissues of the breast, usually the ducts (tubes that carry milk to the nipple) and lobules (glands that make milk). It occurs in both men and women, although male breast cancer is rare.<sup>1</sup> White women have a higher incidence of breast cancer than African American women beginning at age 45. African American women have a higher incidence of

<sup>1</sup> National Cancer Institute, Breast Cancer. Found at: <<http://www.cancer.gov/cancertopics/types/breast>> (Last visited on April 2, 2010).

breast cancer before age 45 and are more likely to die from breast cancer at every age.<sup>2</sup> Between 1999 and 2006, the incidence rates of breast cancer decreased by 2.0 percent per year.<sup>3</sup> In 2009, an estimated 192,370 women were diagnosed with breast cancer and there were 40,170 breast cancer related deaths.<sup>4,5</sup> In Florida in 2009, approximately 12,650 women were diagnosed with breast cancer and there were 2,730 breast cancer related deaths.<sup>6,7</sup> When breast cancer is confined to the breast, the 5-year survival rate is over 95 percent.<sup>8</sup>

Breast cancer screening means checking a woman's breasts for cancer before there are signs or symptoms of the disease. Three main tests are used to screen the breasts for cancer:<sup>9, 10</sup>

- A *mammogram* is an X-ray of the breast. Mammograms are the best method to detect breast cancer early, when it is easier to treat and before it is big enough to feel or cause symptoms. There are several types of mammograms:<sup>11</sup>
  - Screening mammograms are done for women who have no symptoms of breast cancer.
  - Diagnostic mammograms are done when a woman has symptoms of breast cancer or a breast lump. This mammogram takes longer than screening mammograms because more pictures of the breast are taken.
  - Digital mammograms take an electronic image of the breast and store it directly in a computer. Current research has not shown that digital images are better at finding cancer than X-ray film images.
- A *clinical breast exam* is an examination by a doctor or nurse, who uses his or her hands to feel for lumps or other changes in the breasts.
- A *breast self-exam* is when a woman checks her own breasts for lumps, changes in size or shape of the breast, or any other changes in the breasts or underarm.

<sup>2</sup> American Cancer Society, Breast Cancer Facts and Figures, 2009-2010. Found at:

<[http://www.cancer.org/downloads/STT/F861009\\_final%209-08-09.pdf](http://www.cancer.org/downloads/STT/F861009_final%209-08-09.pdf)> (Last visited on April 2, 2010).

<sup>3</sup> American Cancer Society, Breast Cancer Facts and Figures, 2009-2010. Found at:

<[http://www.cancer.org/downloads/STT/F861009\\_final%209-08-09.pdf](http://www.cancer.org/downloads/STT/F861009_final%209-08-09.pdf)> (Last visited on April 2, 2010).

<sup>4</sup> American Cancer Society, Estimated New Cancer Cases for Selected Cancer Sites by State, US, 2009. Found at:

<[http://www.cancer.org/downloads/stt/CFF2009\\_EstCSt\\_4.pdf](http://www.cancer.org/downloads/stt/CFF2009_EstCSt_4.pdf)> (Last visited on April 2, 2010).

<sup>5</sup> American Cancer Society, Estimated Cancer Deaths for Selected Cancer Sites by State, US, 2009. Found at:

<[http://www.cancer.org/downloads/stt/CFF2009\\_EstDSt\\_5.pdf](http://www.cancer.org/downloads/stt/CFF2009_EstDSt_5.pdf)> (Last visited on April 2, 2010).

<sup>6</sup> American Cancer Society, Estimated New Cancer Cases for Selected Cancer Sites by State, US, 2009. Found at:

<[http://www.cancer.org/downloads/stt/CFF2009\\_EstCSt\\_4.pdf](http://www.cancer.org/downloads/stt/CFF2009_EstCSt_4.pdf)> (Last visited on April 2, 2010).

<sup>7</sup> American Cancer Society, Estimated Cancer Deaths for Selected Cancer Sites by State, US, 2009. Found at:

<[http://www.cancer.org/downloads/stt/CFF2009\\_EstDSt\\_5.pdf](http://www.cancer.org/downloads/stt/CFF2009_EstDSt_5.pdf)> (Last visited on April 2, 2010).

<sup>8</sup> Florida Breast Cancer Coalition Research Foundation, Statistics. Found at:<<http://www.fbccrf.org/statistics/>> (Last visited on April 2, 2010).

<sup>9</sup> Centers for Disease Control and Prevention, Breast Cancer Screening. Found at:

<[http://www.cdc.gov/cancer/breast/basic\\_info/screening.htm#2](http://www.cdc.gov/cancer/breast/basic_info/screening.htm#2)> (Last visited on April 2, 2010).

<sup>10</sup> For certain women at high risk for breast cancer, a screening MRI is recommended along with a yearly mammogram. It is not generally recommended as a screening tool by itself, because although it is a sensitive test, it may still miss some cancers that mammograms would detect. Source: American Cancer Society Detailed Guide: Breast Cancer. Found at: <[http://www.cancer.org/docroot/CRI/content/CRI\\_2\\_4\\_3X\\_Can\\_breast\\_cancer\\_be\\_found\\_early\\_5.asp](http://www.cancer.org/docroot/CRI/content/CRI_2_4_3X_Can_breast_cancer_be_found_early_5.asp)> (Last visited on April 2, 2010).

<sup>11</sup> Department of Health, Women's Health website. Found at:

<<http://www.doh.state.fl.us/Family/wh/lifespan/Middleage/mammograms.html>> (Last visited on April 2, 2010).

### **The Department of Health**

Since 1994, the Department has administered the Breast and Cervical Cancer Early Detection and Prevention Program (BCCEDP) through many of its county health departments.<sup>12</sup> Funding for this program is provided by a CDC grant since 1994. The program receives funding to serve approximately 8 percent of Florida's eligible population between 50 and 64 years of age who are at or below 200 percent of the federal poverty level for the household and who do not have health insurance that pays for these services.<sup>13</sup> In FY 2008-2009, the BCCEDP provided 12,360 mammograms and 5,873 pap smears that detected breast cancer in 2.2 percent of the cases and cervical cancer in 0.8 percent of the women screened, respectively.

Under s. 409.904(9), F.S., women diagnosed with cancer through the BCCEDP are eligible for Medicaid benefits for cancer treatment, including surgery, hospitalization, chemotherapy, laboratory services, and other needed medical services. In FY 2008-2009, the Medicaid program provided cancer coverage for 660 women screened through the BCCEDP.

#### *Breast Cancer Early Detection and Treatment Referral Program*

In 2009, the Legislature created a breast cancer early detection and treatment referral program within the Department, within existing resources or subject to an appropriation,<sup>14</sup> to: promote referrals for the screening, detection, and treatment of breast cancer; educate the public regarding breast cancer and the benefits of early detection; and provide referral services for persons seeking breast cancer treatment.<sup>15</sup> The program is designed to serve women ages 19-64, who are at or below 200 percent of the federal poverty level and who do not have health insurance that covers breast cancer screenings. The breast cancer early detection and treatment referral program is also directed to:

- Establish a public education and outreach initiative to publicize breast cancer early detection services, the benefits of early detection of breast cancer, and the recommended frequency of receiving screening services, including clinical breast examinations and mammography guidelines established by the USPSTF;
- Develop professional education programs to promote the benefits of early detection of breast cancer and the recommended frequency for receiving mammograms, as recommended by the USPSTF; and
- Establish a system to track and monitor all women screened for breast cancer in the program.

The State Surgeon General is required to submit an annual report to the appropriate substantive committees of the Legislature that includes a description of the rates of breast cancer morbidity and mortality in the state and the extent to which women are participating in breast cancer screening as reported by the Behavioral Risk Factor Surveillance System (BRFSS).

The breast cancer early detection and treatment referral program is similar to the existing BCCEDP but is designed to serve women in a broader range of ages.

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<sup>12</sup> The Department of Health, Florida Breast and Cervical Cancer Treatment Act, The Mary Brogan Breast and Cervical Cancer Early Detection Program Report, and the Breast Cancer Early Detection and Treatment Referral Program Report, March 1, 2010, on file with the Senate Health Regulation Committee.

<sup>13</sup> This leaves approximately 119,000 eligible women not served by the program.

<sup>14</sup> The Department of Health did not receive an appropriation in 2009 to implement the breast cancer early detection and treatment referral program.

<sup>15</sup> Ch. 2009-120, Laws of Florida.

**United States Preventive Services Task Force**

The USPSTF is an independent panel of experts in primary care and prevention that systematically reviews the evidence of effectiveness and develops recommendations for clinical preventive services.<sup>16</sup>

With respect to screening for breast cancer, the USPSTF 2009 December recommendations for mammography screening are that screening should be done every 2 years for women aged 50 to 74 years. Previously, the USPSTF recommended women age 40 and older have a biennial mammogram.<sup>17</sup> This recommendation change has been controversial. The CDC currently recommends a screening mammogram early one-two years for all women starting at age 40.<sup>18</sup>

**The Behavioral Risk Factor Surveillance System<sup>19</sup>**

The BRFSS is a state-based system of health surveys that collects information on health risk behaviors, preventive health practices, and health care access primarily related to chronic disease and injury. For many states, the BRFSS is the only available source of timely, accurate data on health-related behaviors.

The BRFSS was established in 1984 by the CDC. Currently, data are collected monthly in all 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and Guam. More than 350,000 adults are interviewed each year, making the BRFSS the largest telephone health survey in the world. States use the BRFSS data to identify emerging health problems, establish and track health objectives, and develop and evaluate public health policies and programs. Many states also use the BRFSS data to support health-related legislative efforts.

**III. Effect of Proposed Changes:**

The bill amends s. 381.932, F.S., relating to the breast cancer early detection and treatment referral program, to require the public and professional education and outreach initiatives to publicize breast cancer early detection services, benefits, and recommended screening using the guidelines currently employed by the CDC, instead of the USPSTF guidelines.

The effective date of the bill is July 1, 2010.

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<sup>16</sup> U.S. Department of Health and Human Services, Agency for Healthcare Research and Quality. Found at: <<http://www.ahrq.gov/CLINIC/uspstfix.htm>> (Last visited on April 2, 2010).

<sup>17</sup> U.S. Department of Health and Human Services, Agency for Healthcare Research and Quality, U.S. Preventive Services Task Force, Screening for Breast Cancer Recommendation Statement, December 2009. Found at: <<http://www.ahrq.gov/clinic/uspstf09/breastcancer/brcanrs.htm>> (Last visited on April 2, 2010).

<sup>18</sup> Centers for Disease Control and Prevention, Breast Cancer Screening. Found at: <[http://www.cdc.gov/cancer/breast/basic\\_info/screening.htm](http://www.cdc.gov/cancer/breast/basic_info/screening.htm)> (Last visited on April 7, 2010).

<sup>19</sup> Centers for Disease Control and Prevention BRFSS website found at: <<http://www.cdc.gov/brfss/about.htm>> (Last visited on April 2, 2010).

**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 this 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:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Health Regulation on April 7, 2010:**

Requires the breast cancer early detection referral program within the DOH to utilize the guidelines currently employed by the CDC for its breast cancer screening public and professional education outreach.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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