

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1085 Women's Health

SPONSOR(S): Health & Human Services Quality Subcommittee; Plakon and others

TIED BILLS: **IDEN./SIM. BILLS:** SB 1282

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health & Human Services Quality Subcommittee	14 Y, 0 N, As CS	Holt	Calamas
2) Health Care Appropriations Subcommittee			
3) Health & Human Services Committee			

SUMMARY ANALYSIS

The bill creates the Kelly Smith Gynecologic and Ovarian Cancer Education and Awareness Act within the Department of Health (DOH). The bill adds one member from the Florida Ovarian Cancer Alliance Speaks organization to the Florida Cancer Control and Research Advisory Council increasing the membership from 34 to 35.

The bill directs DOH to encourage women to discuss the risks of gynecological cancers with their health care provider. Furthermore, DOH is directed to encourage health care providers and certain entities to disseminate and display information about gynecological cancers to include: signs & symptoms, risk factors, benefits of early detection, and treatment options. DOH is encouraged to seek any available federal or private grants to promote gynecological cancer awareness and to collaborate with other entities to create a systematic approach to increasing public awareness. The State Surgeon General is required to post on the DOH website a link to the CDC website for gynecological cancer information.

The bill has no fiscal impact to the state or local governments.

The bill takes effect July 1, 2011.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Each year in the United States, approximately 71,500 women are diagnosed with gynecologic cancer, and approximately 26,500 deaths are attributed to a gynecological cancer. 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).¹

According to the Centers for Disease Control and Prevention (CDC), some symptoms of gynecologic cancer include:²

- Abnormal vaginal bleeding or discharge.
- Pelvic pain or pressure.
- Abdominal or back pain.
- Bloating.
- Changes in bathroom habits.
- Itching or burning of the vulva.
- Changes in vulva color or skin, such as a rash, sores, or warts.

According to the CDC, it is unknown what exactly causes gynecologic cancers, but it is clear that certain changes in cells can cause cancer. 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.³

Florida Ovarian and Cervical Cancer Statistics

Cancer remains the second leading cause of death for Floridians, after heart disease.⁴ In 2006 there were 1,478 new cases of ovarian cancer and 907 cases of cervical cancer reported in Florida.⁵ Nearly two-thirds of cervical cancer deaths occurred in females under the age of 65.⁶ According to the Florida Office of Vital Statistics, there were 1,256 deaths attributed to ovarian and cervical cancer. According to the Agency for Health Care Administration, the total hospital charges in 2006 for patients diagnosed with ovarian and cervical cancer were approximately \$110 million.⁷

Cancer Programs in Florida

Cancer Control and Research Advisory Council

The Florida Cancer Control and Research Act, section 1004.435, F.S., created the Cancer Control Research Advisory Council (C-CRAB) in 1979. The C-CRAB is housed within the H. Lee Moffitt Cancer Center and Research Institute, Inc. The Council consists of 34 members, with 32 members appointed

¹ Centers for Disease Control & Prevention, Gynecologic Cancers, Campaign Materials: Gynecologic Cancer Comprehensive Brochure, available at: <http://www.cdc.gov/cancer/knowledge/> (last viewed March 27, 2011).

² *Id.*

³ *Id.*

⁴ Florida Department of Health, Florida State Cancer Plan 2010, available at: <http://www.doh.state.fl.us/Family/cancer/ccr/plan/index.html> (last viewed March 27, 2011).

⁵ Florida Department of Health, Division of Disease Control, The Florida Cancer Registry Program, Florida Annual Cancer Report: 2006 Incidence and Mortality, available at: http://www.doh.state.fl.us/Disease_ctrl/epi/cancer/Annual.html (last viewed March 27, 2011).

⁶ *Id.*

⁷ *Id.*

by the Governor and one each by the House and the Senate.⁸ The members represent various organizations, agencies, universities, research institutes, legislators, and the general public. The Council formulates and makes recommendations to the State Surgeon General, the Board of Governors, and the Florida state legislators. These recommendations include, but are not limited to, approval of the state cancer plan, cancer control initiatives, and the awarding of grants and contracts, as funds are available, to establish, or conduct programs in cancer control or prevention, cancer education and training, and cancer research. Technical Advisory Groups are formed by the Council to review such areas as the state cancer plan evaluation, tobacco use prevention, cancer disparities, cancer-related data, and legislative initiatives.

Comprehensive Cancer Control Program

The Comprehensive Cancer Control (CCC) Program, housed under the Bureau of Chronic Disease Prevention and Health Promotion in the Department of Health (DOH), was created in 2001 through a cooperative agreement with the CDC.⁹ 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.¹⁰ The CCC Program strives to accomplish this mission through on-going cooperative efforts with other cancer stakeholders throughout Florida. The CCC Program offers an ovarian cancer project called Survivors Teaching Students: Saving Women's Lives (STS). The STS program, enlists ovarian cancer survivors to conduct presentations at medical and nursing schools statewide.¹¹

The CCC Program networks with other DOH programs in coordinating activities for overlapping risk factors including tobacco use, poor nutrition, lack of physical activity, and sun exposure. Other CCC Program activities include collaborating with the CDC on various media projects, promoting healthy lifestyles, disseminating educational materials for cancer prevention and reduction, and maintaining a program-specific website.¹²

Breast and Cervical Cancer Early Detection Program

Established in 2001 within the DOH, the Florida Breast and Cervical Cancer Early Detection (BCCEDP) Program is a breast and cervical cancer screening program that provides reduced-cost or free mammograms, clinical breast exams, and Pap smears to low-income, under insured, or uninsured females between the ages of 50 and 64 who are at or below 200% of the Federal Poverty Level.¹³ The Program is funded by the CDC. Diagnostic exams are provided as needed and case management is provided to all clients. Treatment for eligible females may be paid by Medicaid with initial facilitation by case managers. All 67 Florida counties may access the BCCEDP through the 16 lead CHD sites that implement the program: Brevard, Broward, Duval, Escambia, Gadsden, Hillsborough, Jackson, Leon, Manatee, Miami-Dade, Orange, Osceola, Pasco, Pinellas, Putnam, and Volusia. Outreach, public education, and professional education are provided at both the state and local level. There is a 24-hour hotline that provides callers with information to determine where the nearest clinic is to them.

In 2009, the Legislature created the breast cancer early detection and treatment referral program.¹⁴ The purpose of the program is to promote referrals for the screening, detection, and treatment of breast cancer among un-served or underserved populations; educate the public regarding breast cancer and the benefits of early detection and provide referral services for persons seeking treatment.¹⁵

⁸ S. 1004.435(4)(a), F.S.

⁹ Florida Department of Health, Bureau of Chronic Disease Prevention and Health Promotion, An Overview of the National and State Comprehensive Cancer Control Program, available at: <http://www.doh.state.fl.us/Family/cancer/ccc/index.html> (last viewed March 27, 2011).

¹⁰ *Id.*

¹¹ Florida Department of Health Bill Analysis, Economic Statement, and Fiscal Note for HB 1085 (dated March 21, 2011).

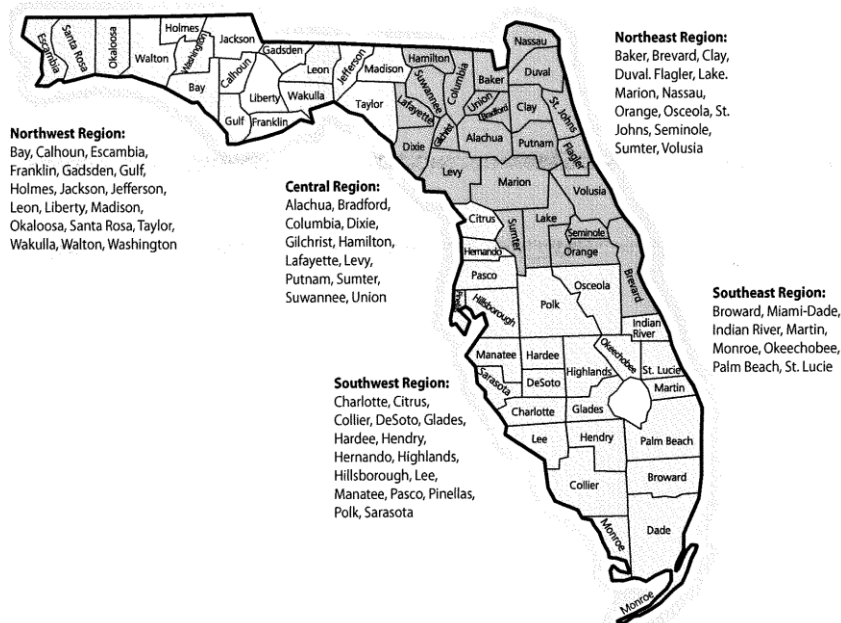
¹² *Supra*, note 10.

¹³ Ch. 2001-52, L.O.F.

¹⁴ Ch. 2009-120, L.O.F.

¹⁵ S.381.932(2), F.S.

According to the Florida Cancer Plan, due to Florida's geography and diversity, there was a need for more localized planning to create a true comprehensive cancer control plan.¹⁶ Thus, in 2000, the U.S. Congress appropriated funds to develop comprehensive regional cancer control plans in Florida. Funding was awarded to the University of Miami, Sylvester Comprehensive Cancer Center through a cooperative agreement with the CDC as part of their CCC Program. This resulted in the Florida Comprehensive Cancer Control Initiative, which established four regional cancer control collaboratives covering all 67 Florida counties (see map below).¹⁷ From 2000 to 2003, cancer control stakeholders in each of the four regions were invited to participate in a strategic planning process. From this, four regional cancer control plans were developed. In addition to regional goals, objectives, and strategies, each plan included detailed county-level cancer and demographic data, as well as a directory of cancer resources. The regional plans are integrated Florida Cancer Plan.¹⁸



Kelly Smith

In 1996, Kelly Smith was diagnosed with stage one ovarian cancer at 17 years of age. Since her diagnosis one of her missions has been to put a younger face on ovarian cancer, showing the community that this is not just a disease for women over 50, but for women and girls of all ages.¹⁹ Kelly founded the Ovarian Cancer Alliance of North Florida (OCA-NFL) which provides education and awareness about ovarian cancer to the citizens of Leon and Wakulla counties. OCA-NFL works to educate young women and the community at large about the importance of a women's annual health screening and about the signs and symptoms of ovarian cancer. As of September 2010, OCA-NFL collected over \$17,000 for research, educated over 1,500 local Tallahassee women about the signs and symptoms of the ovarian cancer, and assisted 217 college students who attended the Survivors Teaching Students Program offered at the FSU and FAMU Colleges of Medicine and Nursing.²⁰

¹⁶ Florida Department of Health, Florida State Cancer Plan 2010, available at: <http://www.doh.state.fl.us/Family/cancer/ccc/plan/index.html> (last viewed March 27, 2011).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ The Ovarian Cancer Alliance of North Florida, About: Kelly Smith, Founder, available at: <http://www.oca-nfl.com/about.cfm> (last viewed March 29, 2011).

²⁰ Thomas, Heather. "Kelly Smith: A Strong Voice against a Whispering Killer." *Tallahassee Woman Magazine*. August-September 2010: 12-13. available at: http://issuu.com/tallahassee/woman/docs/aug-sept2010_web (last viewed March 29, 2011).

The Effects of the Bill

The bill creates the Kelly Smith Gynecologic and Ovarian Cancer Education and Awareness Act within the Department of Health (DOH). The bill adds one member from the Florida Ovarian Cancer Alliance Speaks organization to the Florida Cancer Control and Research Advisory Council increasing the membership from 34 to 35.

The bill directs DOH to encourage women to discuss the risks of gynecological cancers with their health care provider. Furthermore, DOH is directed to encourage health care providers and certain entities to disseminate and display information about gynecological cancers to include: signs & symptoms, risk factors, benefits of early detection, and treatment options.

The bill encourages the DOH to seek any available federal or private grants to promote gynecological cancer awareness and to collaborate with other entities to create a systematic approach to increasing public awareness of gynecologic cancers. The State Surgeon General is required to post on the DOH website a link to the CDC website for gynecological cancer information.

B. SECTION DIRECTORY:

Section 1. Creates s. 381.9315, F.S., relating to Gynecological and Ovarian Cancer Awareness Program.

Section 2. Amends s. 1004.435, F.S. relating to Cancer Control and Research.

Section 3. Provides an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None identified.

2. Expenditures:

None identified.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None identified.

2. Expenditures:

None identified.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None identified.

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:

The provisions of the bill do not require rule-making authority to implement.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 29, 2011, the Health & Human Services Quality Subcommittee adopted a strike-all amendment and reported the bill favorably as a committee substitute. The amendment:

- Renames the act the “Gynecologic and Ovarian Cancer Education and Awareness Act of 2011” the “Kelly Smith Gynecological and Ovarian Cancer Education Awareness Act.”
- Removes potential fiscal impact by deleting DOH requirements to provide public services announcements and advertisements.
- Removes the requirement that DOH appoint a Women’s Gynecological Cancer Information Advisory Council.
- Adds one member from the Florida Ovarian Cancer Alliance Speaks organization to the existing Florida Cancer Control and Research Advisory Council.
- Removes the requirement that DOH formulate and execute a distribution plan and strategy for the dissemination of cancer education materials, instead directs DOH to encourage health care providers and certain entities to disseminate and display information about gynecological cancers to include: signs & symptoms, risk factors, benefits of early detection, and treatment options.
- Requires DOH to encourage women to discuss the risks of gynecological cancers with their health care provider.
- Requires the State Surgeon General to post on the DOH website a link to the CDC website for gynecological cancer information.
- DOH is encouraged to seek any available federal or private grants to promote gynecological cancer awareness.
- DOH is encouraged to collaborate with other entities to create a systematic approach to increase public awareness regarding gynecological cancers.

This analysis is drafted to the committee substitute.