

By the Committee on Budget Subcommittee on Health and Human Services Appropriations; and Senator Flores

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1                   A bill to be entitled  
2           An act relating to Medicaid; amending s. 409.905,  
3           F.S.; revising the date for adjusting hospital  
4           inpatient rates; amending s. 409.9122, F.S.; deleting  
5           a geographic limitation on where HIV/AIDS recipients  
6           must reside for the purposes of being assigned to  
7           certain managed care plans; amending s. 1004.435,  
8           F.S.; revising legislative intent to delete provisions  
9           relating to research activities for cancer control;  
10          changing the name of the cancer control and research  
11          advisory council to the Florida Cancer Control and  
12          Resource Advisory Council; providing for the  
13          appointment and terms of council members and duties of  
14          the council; providing for a nominating committee to  
15          make recommendations for gubernatorial appointments to  
16          the council; providing for council membership  
17          categories; providing for an executive committee of  
18          the council and duties of the committee; authorizing  
19          consultants to the council; providing duties of the  
20          council for the development, review, and approval of  
21          the Florida Cancer Plan; deleting responsibilities of  
22          the council and the Board of Governors of the State  
23          University System relating to cancer research;  
24          authorizing the Department of Health to adopt rules  
25          for implementation of the section; providing  
26          department duties relating to the development and  
27          establishment of the Florida Cancer Plan; revising the  
28          name of the cancer control fund and deleting the use  
29          of funds for cancer research; amending ss. 458.324 and

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30 459.0125, F.S.; conforming cross-references; requiring  
31 that the Agency for Health Care Administration create  
32 a demonstration project to address funding issues  
33 related to the Medicaid program's share of medical  
34 residency training expenditures; providing for a  
35 federally qualified health center to establish a  
36 graduate medical education program in Miami-Dade  
37 County through Florida International University;  
38 providing requirements for the agreement between the  
39 university and managed care organizations allocating  
40 funds for the project; requiring that the Agency for  
41 Health Care Administration provide an annual report to  
42 the Governor and Legislature; providing an effective  
43 date.

44  
45 Be It Enacted by the Legislature of the State of Florida:

46  
47 Section 1. Paragraph (c) of subsection (5) of section  
48 409.905, Florida Statutes, is amended to read:

49 409.905 Mandatory Medicaid services.—The agency may make  
50 payments for the following services, which are required of the  
51 state by Title XIX of the Social Security Act, furnished by  
52 Medicaid providers to recipients who are determined to be  
53 eligible on the dates on which the services were provided. Any  
54 service under this section shall be provided only when medically  
55 necessary and in accordance with state and federal law.  
56 Mandatory services rendered by providers in mobile units to  
57 Medicaid recipients may be restricted by the agency. Nothing in  
58 this section shall be construed to prevent or limit the agency

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59 from adjusting fees, reimbursement rates, lengths of stay,  
60 number of visits, number of services, or any other adjustments  
61 necessary to comply with the availability of moneys and any  
62 limitations or directions provided for in the General  
63 Appropriations Act or chapter 216.

64 (5) HOSPITAL INPATIENT SERVICES.—The agency shall pay for  
65 all covered services provided for the medical care and treatment  
66 of a recipient who is admitted as an inpatient by a licensed  
67 physician or dentist to a hospital licensed under part I of  
68 chapter 395. However, the agency shall limit the payment for  
69 inpatient hospital services for a Medicaid recipient 21 years of  
70 age or older to 45 days or the number of days necessary to  
71 comply with the General Appropriations Act.

72 (c) The agency shall implement a methodology for  
73 establishing base reimbursement rates for each hospital based on  
74 allowable costs, as defined by the agency. Rates shall be  
75 calculated annually and take effect July 1 of each year based on  
76 the most recent complete and accurate cost report submitted by  
77 each hospital. Adjustments may not be made to the rates after  
78 October 31 ~~September 30~~ of the state fiscal year in which the  
79 rates take ~~rate takes~~ effect. Errors in cost reporting or  
80 calculation of rates discovered after October 31 ~~September 30~~  
81 must be reconciled in a subsequent rate period. The agency may  
82 not make any adjustment to a hospital's reimbursement rate more  
83 than 5 years after a hospital is notified of an audited rate  
84 established by the agency. The requirement that the agency may  
85 not make any adjustment to a hospital's reimbursement rate more  
86 than 5 years after a hospital is notified of an audited rate  
87 established by the agency is remedial and applies ~~shall apply~~ to

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88 actions by providers involving Medicaid claims for hospital  
89 services. Hospital rates are ~~shall be~~ subject to such limits or  
90 ceilings as may be established in law or described in the  
91 agency's hospital reimbursement plan. Specific exemptions to the  
92 limits or ceilings may be provided in the General Appropriations  
93 Act.

94 Section 2. Paragraph (1) of subsection (2) of section  
95 409.9122, Florida Statutes, is amended to read:

96 409.9122 Mandatory Medicaid managed care enrollment;  
97 programs and procedures.—

98 (2)

99 (1) If the Medicaid recipient is diagnosed with HIV/AIDS  
100 ~~and resides in Broward County, Miami-Dade County, or Palm Beach~~  
101 ~~County~~, the agency shall assign the Medicaid recipient to a  
102 managed care plan that is a health maintenance organization  
103 authorized under chapter 641, is under contract with the agency  
104 on July 1, 2011, and which offers a delivery system through a  
105 university-based teaching and research-oriented organization  
106 that specializes in providing health care services and treatment  
107 for individuals diagnosed with HIV/AIDS.

108  
109 This subsection expires October 1, 2014.

110 Section 3. Section 1004.435, Florida Statutes, is amended  
111 to read:

112 1004.435 Cancer control and resource advisory council  
113 ~~research~~.—

114 (1) SHORT TITLE.—This section ~~shall be known and~~ may be  
115 cited as the "Florida Cancer Control ~~and Research~~ Act."

116 (2) LEGISLATIVE INTENT.—~~It is~~ The finding of the

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117 Legislature finds that:

118 (a) Advances in scientific knowledge have led to the  
119 development of preventive and therapeutic capabilities in the  
120 control of cancer. Such knowledge and therapy must be made  
121 available to all citizens of this state through educational and  
122 therapeutic programs.

123 ~~(b) The present state of our knowledge concerning the  
124 prevalence, cause or associated factors, and treatment of cancer  
125 have resulted primarily from a vast federal investment into  
126 basic and clinical research, some of which is expended in this  
127 state. These research activities must continue, but programs  
128 must be established to extend this knowledge in preventive  
129 measures and patient treatment throughout the state.~~

130 ~~(c) Research in cancer has implicated the environment as a  
131 causal factor for many types of cancer, i.e., sunshine, X rays,  
132 diet, smoking, etc., and programs are needed to further document  
133 such cause and effect relationships. Proven causes of cancer  
134 should be publicized and be the subject of educational programs  
135 for the prevention of cancer.~~

136 (b)-(d) An effective cancer control program would mobilize  
137 the scientific, educational, and medical resources that  
138 presently exist into an intense attack against cancer ~~this dread~~  
139 ~~disease.~~

140 (3) DEFINITIONS. ~~As~~ The following words and phrases when  
141 used in this section, the term have, unless the context clearly  
142 indicates otherwise, the meanings given to them in this  
143 subsection:

144 (a) "Cancer" means all malignant neoplasms, regardless of  
145 the tissue of origin, including lymphoma and leukemia.

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146 (b) "Council" means the Florida Cancer Control and Resource  
147 ~~Research~~ Advisory Council, ~~which is~~ an advisory body appointed  
148 to function on a continuing basis for the study of cancer and to  
149 recommend ~~which recommends~~ solutions and policy alternatives to  
150 ~~the Board of Governors and the State Surgeon General and which~~  
151 ~~is~~ established by this section.

152 (c) "Department" means the Department of Health.

153 (d) "Fund" means the Florida Cancer Control ~~and Research~~  
154 Fund established by this section.

155 (e) "Plan" means the Florida Cancer Plan.

156 (f) ~~(e)~~ "Qualified nonprofit association" means any  
157 association, incorporated or unincorporated, which ~~that~~ has  
158 received tax-exempt status from the Internal Revenue Service.

159 (4) FLORIDA CANCER CONTROL AND RESOURCE ~~RESEARCH~~ ADVISORY  
160 COUNCIL; CREATION; COMPOSITION.—

161 (a) There is created within the H. Lee Moffitt Cancer  
162 Center and Research Institute, Inc., the Florida Cancer Control  
163 and Resource ~~Research~~ Advisory Council. The council shall serve  
164 as a resource and clearinghouse for comprehensive cancer control  
165 in the state and shall facilitate effective communication,  
166 shared resources, and synergism between and among the cancer  
167 stakeholder organizations and groups within the state.

168 1. The council shall consist of members representing the  
169 various cancer constituencies in the state. The council shall  
170 include three members representing the general public appointed  
171 by the Governor, one member appointed by the President of the  
172 Senate, one member appointed by the Speaker of the House of  
173 Representatives, one member appointed by the State Surgeon  
174 General, and 32 members representing cancer stakeholders in the

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175 state who are appointed by the Governor. Of the 32 members, at  
176 least 10 members must be individuals who are minority persons as  
177 defined in s. 288.703. Each council member must be a resident of  
178 the state, and all members are voting members of the council.

179 2. Of the three members representing the general public  
180 appointed by the Governor, one shall serve an initial term of 2  
181 years, one shall serve an initial term of 3 years, and one shall  
182 serve an initial term of 4 years, beginning July 1, 2012;  
183 thereafter, these gubernatorial appointments to the council  
184 shall be for 4-year terms. The remaining members appointed by  
185 the Governor and the members appointed by the President of the  
186 Senate, the Speaker of the House of Representatives, and the  
187 State Surgeon General shall serve 4-year terms. A chair and vice  
188 chair shall each be elected by the council membership for 2-year  
189 terms. The council shall consist of 35 members, which includes  
190 the chairperson, all of whom must be residents of this state.  
191 ~~All members, except those appointed by the Speaker of the House~~  
192 ~~of Representatives and the President of the Senate, must be~~  
193 ~~appointed by the Governor. At least one of the members appointed~~  
194 ~~by the Governor must be 60 years of age or older. One member~~  
195 ~~must be a representative of the American Cancer Society; one~~  
196 ~~member must be a representative of the Florida Tumor Registrars~~  
197 ~~Association; one member must be a representative of the~~  
198 ~~Sylvester Comprehensive Cancer Center of the University of~~  
199 ~~Miami; one member must be a representative of the Department of~~  
200 ~~Health; one member must be a representative of the University of~~  
201 ~~Florida Shands Cancer Center; one member must be a~~  
202 ~~representative of the Agency for Health Care Administration; one~~  
203 ~~member must be a representative of the Florida Nurses~~

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204 ~~Association; one member must be a representative of the Florida~~  
205 ~~Osteopathic Medical Association; one member must be a~~  
206 ~~representative of the American College of Surgeons; one member~~  
207 ~~must be a representative of the School of Medicine of the~~  
208 ~~University of Miami; one member must be a representative of the~~  
209 ~~College of Medicine of the University of Florida; one member~~  
210 ~~must be a representative of NOVA Southeastern College of~~  
211 ~~Osteopathic Medicine; one member must be a representative of the~~  
212 ~~College of Medicine of the University of South Florida; one~~  
213 ~~member must be a representative of the College of Public Health~~  
214 ~~of the University of South Florida; one member must be a~~  
215 ~~representative of the Florida Society of Clinical Oncology; one~~  
216 ~~member must be a representative of the Florida Obstetric and~~  
217 ~~Gynecologic Society who has had training in the specialty of~~  
218 ~~gynecologic oncology; one member must be a representative of the~~  
219 ~~Florida Ovarian Cancer Alliance Speaks (FOCAS) organization; one~~  
220 ~~member must be a representative of the Florida Medical~~  
221 ~~Association; one member must be a member of the Florida~~  
222 ~~Pediatric Society; one member must be a representative of the~~  
223 ~~Florida Radiological Society; one member must be a~~  
224 ~~representative of the Florida Society of Pathologists; one~~  
225 ~~member must be a representative of the H. Lee Moffitt Cancer~~  
226 ~~Center and Research Institute, Inc.; three members must be~~  
227 ~~representatives of the general public acting as consumer~~  
228 ~~advocates; one member must be a member of the House of~~  
229 ~~Representatives appointed by the Speaker of the House of~~  
230 ~~Representatives; one member must be a member of the Senate~~  
231 ~~appointed by the President of the Senate; one member must be a~~  
232 ~~representative of the Florida Dental Association; one member~~



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233 ~~must be a representative of the Florida Hospital Association;~~  
234 ~~one member must be a representative of the Association of~~  
235 ~~Community Cancer Centers; one member shall be a representative~~  
236 ~~from a statutory teaching hospital affiliated with a community-~~  
237 ~~based cancer center; one member must be a representative of the~~  
238 ~~Florida Association of Pediatric Tumor Programs, Inc.; one~~  
239 ~~member must be a representative of the Cancer Information~~  
240 ~~Service; one member must be a representative of the Florida~~  
241 ~~Agricultural and Mechanical University Institute of Public~~  
242 ~~Health; and one member must be a representative of the Florida~~  
243 ~~Society of Oncology Social Workers. Of the members of the~~  
244 ~~council appointed by the Governor, at least 10 must be~~  
245 ~~individuals who are minority persons as defined by s. 288.703.~~

246 (b) A nominating committee shall annually review applicants  
247 for the council and make recommendations for gubernatorial  
248 appointments to the council. The nominating committee shall be  
249 comprised of a minimum of seven council members selected by, and  
250 including, the vice chair. The nominating committee shall  
251 constitute a subgroup of the council membership in that at least  
252 one member shall represent each membership category identified  
253 in paragraph (c). The individuals selected by the nominating  
254 committee shall be forwarded for gubernatorial appointment and  
255 are eligible for reappointment one time.

256 (c) The 32 members appointed by the Governor who represent  
257 cancer stakeholders in the state shall be recommended by cancer  
258 stakeholder organizations or groups, by council nomination, or  
259 through self-referrals. The membership categories and the  
260 maximum number of members in each category include:

261 1. Five members from university-based health care delivery

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262 systems with major cancer programs, including the H. Lee Moffitt  
263 Cancer Center and Research Institute, Inc., the University of  
264 Florida Shands Cancer Center, and the University of Miami  
265 Sylvester Comprehensive Cancer Center.

266 2. Five members from community-based health care delivery  
267 systems or practices with American College of Surgeons  
268 accredited cancer programs.

269 3. Four members from nonprofit or voluntary organizations,  
270 including a representative from the American Cancer Society.

271 4. Three members from health and health care disparities  
272 research and outreach cancer programs.

273 5. Five members from state governmental agencies, including  
274 the Department of Health, the Department of Education, and the  
275 Biomedical Research Advisory Council.

276 6. Five members from cancer-related professional  
277 organizations, including the Florida Society of Clinical  
278 Oncology, the Florida Society of Oncology Social Workers, the  
279 Florida Society of Pathologists, the Florida Dental Association,  
280 the Florida Medical Association, and the Florida Osteopathic  
281 Medical Association.

282 7. Five members each representing one of the state regional  
283 cancer collaboratives.

284 (d) An executive committee, which shall be responsible for  
285 coordinating the activities and planning the direction of the  
286 council, shall be comprised of the council's chair and vice  
287 chair, the appointee of the Speaker of the House of  
288 Representatives, the appointee of the President of the Senate,  
289 the appointee of the State Surgeon General, and four members  
290 selected by the chair. The positions on the executive committee

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291 shall be for terms of 2 years corresponding to the chair's term  
292 in office. Membership on the executive committee shall  
293 constitute a subgroup of the council membership in that at least  
294 one member shall represent each membership category identified  
295 in paragraph (c). Additional members may serve at the discretion  
296 of the chair.

297 (e) The council may invite additional state cancer  
298 stakeholder organizations or groups or individuals with  
299 expertise, experience, or resources to serve as consultants to  
300 assist the council in accomplishing its mission. Such services  
301 may include consultative participation in council activities,  
302 associated task forces, or projects. Consultants do not have  
303 voting rights on the council.

304 ~~(b) The terms of the members shall be 4 years from their~~  
305 ~~respective dates of appointment.~~

306 ~~(c) A chairperson shall be appointed by the Governor for a~~  
307 ~~term of 2 years. The chairperson shall appoint an executive~~  
308 ~~committee of no fewer than three persons to serve at the~~  
309 ~~pleasure of the chairperson. This committee will prepare~~  
310 ~~material for the council but make no final decisions.~~

311 (f)~~(d)~~ The council shall meet at least no less than  
312 semiannually at the call of the chair chairperson or, in his or  
313 her absence or incapacity, at the call of the State Surgeon  
314 General. Twenty Sixteen members constitute a quorum for the  
315 purpose of exercising all of the powers of the council. A vote  
316 of the majority of the members present is sufficient for all  
317 actions of the council.

318 (g)~~(e)~~ The council members shall serve without pay.  
319 Pursuant to the provisions of s. 112.061, the council members

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320 may be entitled to be reimbursed for per diem and travel  
321 expenses.

322 (h)~~(f)~~ A ~~No~~ member of the council may not shall participate  
323 in any discussion or decision to recommend grants or contracts  
324 to any qualified nonprofit association or to any agency of this  
325 state or its political subdivisions with which the member is  
326 associated as a member of the governing body or as an employee  
327 or with which the member has entered into a contractual  
328 arrangement.

329 (i)~~(g)~~ The council may prescribe, amend, and repeal bylaws  
330 governing the manner in which the business of the council is  
331 conducted.

332 (j)~~(h)~~ The council shall advise ~~the Board of Governors,~~ the  
333 State Surgeon General, the Governor, and the Legislature with  
334 respect to cancer control and resources ~~research~~ in this state.

335 (k)~~(i)~~ The council shall approve ~~each year~~ a program for  
336 cancer control ~~and research~~ to be known as the "Florida Cancer  
337 Plan" which shall be consistent with the State Health Plan and  
338 integrated and coordinated with existing or emerging programs in  
339 this state. The council shall review and approve the plan at  
340 least every 4 years.

341 (l)~~(j)~~ The council shall formulate and recommend to the  
342 State Surgeon General, the Governor, the President of the  
343 Senate, and the Speaker of the House of Representatives a plan  
344 for the prevention and early detection of cancer which is  
345 evidence-based and consistent with standards of practice and  
346 supported by evidence-based medicine ~~care and treatment of~~  
347 ~~persons suffering from cancer and recommend the establishment of~~  
348 ~~standard requirements for the organization, equipment, and~~

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349 ~~conduct of cancer units or departments in hospitals and clinics~~  
350 ~~in this state. The council may recommend to the State Surgeon~~  
351 ~~General the designation of cancer units following a survey of~~  
352 ~~the needs and facilities for treatment of cancer in the various~~  
353 ~~localities throughout the state. The State Surgeon General shall~~  
354 ~~consider the plan in developing departmental priorities and~~  
355 ~~funding priorities and standards under chapter 395.~~

356 (m)-(k) The council shall provide expertise and input in the  
357 content and development of ~~is responsible for including in the~~  
358 Florida Cancer Plan, which is otherwise generated through the  
359 Department of Health. Recommendations must include ~~for the~~  
360 ~~coordination and integration of medical, nursing, paramedical,~~  
361 ~~lay, and other~~ state efforts ~~plans~~ concerned with cancer control  
362 ~~and research. Committees may shall be formed to develop~~  
363 strategies for taking action regarding ~~by the council so that~~  
364 ~~the following areas will be established as entities for actions:~~

365 1. Cancer plan evaluation, including the creation of a  
366 tumor registry, data retrieval systems, and epidemiology of  
367 cancer in the state and its relation to other areas.

368 2. Cancer prevention.

369 3. Cancer detection.

370 4. Cancer treatments ~~patient management: treatment,~~  
371 ~~rehabilitation, terminal care, and other patient-oriented~~  
372 ~~activities.~~

373 5. Support services for cancer patients and caregivers  
374 ~~education: lay and professional.~~

375 6. ~~Unproven methods of~~ Cancer education for laypersons and  
376 professionals ~~therapy: quackery and unorthodox therapies.~~

377 7. Other cancer-control-related topics ~~Investigator-~~

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378 ~~initiated project research.~~

379 (n)~~(l)~~ In order to implement in whole or in part the  
380 Florida Cancer Plan, the council may ~~shall~~ recommend to ~~the~~  
381 ~~Board of Governors or~~ the State Surgeon General the awarding of  
382 grants and contracts to qualified profit or nonprofit  
383 associations or governmental agencies in order to plan,  
384 establish, or conduct programs in cancer control or prevention  
385 and~~,~~ cancer education or ~~and~~ training, ~~and cancer research.~~

386 (o) The council shall have input into the prioritization  
387 and implementation of statewide programs and the allocation of  
388 resources in the department's comprehensive cancer control  
389 program, consistent with the Florida Cancer Plan.

390 (p)~~(m)~~ If funds are specifically appropriated by the  
391 Legislature, the council shall develop or purchase standardized  
392 written summaries, written in layperson's terms and in language  
393 easily understood by the average adult patient, informing  
394 citizens and professionals on cancer prevention, detection,  
395 treatment, and survivorship ~~actual and high-risk breast cancer~~  
396 ~~patients, prostate cancer patients, and men who are considering~~  
397 ~~prostate cancer screening of the medically viable treatment~~  
398 ~~alternatives available to them in the effective management of~~  
399 ~~breast cancer and prostate cancer; describing such treatment~~  
400 ~~alternatives; and explaining the relative advantages,~~  
401 ~~disadvantages, and risks associated therewith. The breast cancer~~  
402 ~~summary, upon its completion, shall be printed in the form of a~~  
403 ~~pamphlet or booklet and made continuously available to~~  
404 ~~physicians and surgeons in this state for their use in~~  
405 ~~accordance with s. 458.324 and to osteopathic physicians in this~~  
406 ~~state for their use in accordance with s. 459.0125. The council~~

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407 ~~shall periodically update both summaries to reflect current~~  
408 ~~standards of medical practice in the treatment of breast cancer~~  
409 ~~and prostate cancer.~~ The council shall develop and implement  
410 educational programs and position statements, including  
411 distribution of the summaries developed or purchased under this  
412 paragraph, to inform citizen groups, associations, government  
413 officials, and voluntary organizations about cancer-related  
414 matters ~~early detection and treatment of breast cancer and~~  
415 ~~prostate cancer.~~

416 (g) ~~(n)~~ The council may recommend to ~~shall have the~~  
417 ~~responsibility to advise the Board of Governors and the State~~  
418 ~~Surgeon General, the Governor, the President of the Senate, and~~  
419 ~~the Speaker of the House of Representatives~~ on methods of  
420 enforcing and implementing laws already enacted and concerned  
421 with cancer control, ~~research,~~ and education.

422 (r) ~~(o)~~ The council may recommend to ~~the Board of Governors~~  
423 ~~or~~ the State Surgeon General rules not inconsistent with law as  
424 it may deem necessary for the performance of its duties and the  
425 proper administration of this section.

426 (s) ~~(p)~~ The council shall formulate and put into effect a  
427 continuing educational program for the prevention of cancer and  
428 its early diagnosis and disseminate to hospitals, cancer  
429 patients, and the public information concerning the proper  
430 treatment of cancer.

431 (t) ~~(q)~~ The council shall be physically located at the H.  
432 Lee Moffitt Cancer Center and Research Institute, Inc., ~~at the~~  
433 ~~University of South Florida.~~

434 (u) ~~(r)~~ By December 1 ~~On February 15~~ of each year, the  
435 council shall report its findings and recommendations to the

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436 State Surgeon General, the Governor, the President of the  
437 Senate, and the Speaker of the House of Representatives ~~and to~~  
438 ~~the Legislature.~~

439 (5) RESPONSIBILITIES OF ~~THE BOARD OF GOVERNORS,~~ THE H. LEE  
440 MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC., ~~AND THE~~  
441 STATE SURGEON GENERAL, AND THE DEPARTMENT OF HEALTH.-

442 (a) ~~The Board of Governors or~~ The State Surgeon General,  
443 after consultation with the council, may ~~shall~~ award grants and  
444 contracts to qualified nonprofit associations and governmental  
445 agencies in order to plan, establish, or conduct programs in  
446 cancer control or ~~and~~ prevention and, ~~and~~ cancer education or ~~and~~  
447 training, ~~and cancer research.~~

448 (b) The H. Lee Moffitt Cancer Center and Research  
449 Institute, Inc., shall provide a full-time executive director to  
450 coordinate, facilitate, and communicate the mission and  
451 responsibilities of the council. Additional administrative  
452 support, information, and other assistance shall be provided  
453 ~~such staff, information, and other assistance~~ as reasonably  
454 necessary for the completion of the responsibilities of the  
455 council.

456 (c) The Department of Health ~~Board of Governors or the~~  
457 ~~State Surgeon General,~~ after consultation with the council, may  
458 adopt rules necessary for the implementation of this section.

459 (d) The Florida Cancer Plan is established within the  
460 Department of Health. The department must utilize the council in  
461 developing the plan, prioritizing goals, allocating resources,  
462 and approving the plan in its final form. ~~The State Surgeon~~  
463 ~~General, after consultation with the council, shall make rules~~  
464 ~~specifying to what extent and on what terms and conditions~~



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465 ~~cancer patients of the state may receive financial aid for the~~  
466 ~~diagnosis and treatment of cancer in any hospital or clinic~~  
467 ~~selected. The department may furnish to citizens of this state~~  
468 ~~who are afflicted with cancer financial aid to the extent of the~~  
469 ~~appropriation provided for that purpose in a manner which in its~~  
470 ~~opinion will afford the greatest benefit to those afflicted and~~  
471 ~~may make arrangements with hospitals, laboratories, or clinics~~  
472 ~~to afford proper care and treatment for cancer patients in this~~  
473 ~~state.~~

474 (6) FLORIDA CANCER CONTROL ~~AND RESEARCH~~ FUND.—

475 (a) There is created the Florida Cancer Control ~~and~~  
476 ~~Research~~ Fund consisting of funds appropriated therefor from the  
477 General Revenue Fund and any gifts, grants, or funds received  
478 from other sources.

479 (b) The fund shall be used exclusively for grants and  
480 contracts to qualified nonprofit associations or governmental  
481 agencies for the purpose of cancer control or ~~and~~ prevention,  
482 cancer education or ~~and~~ training, ~~cancer research~~, and all  
483 expenses incurred in connection with the administration of this  
484 section and the programs funded through the grants and contracts  
485 authorized by ~~the State Board of Education or~~ the State Surgeon  
486 General.

487 Section 4. Subsection (1) and paragraph (a) of subsection  
488 (2) of section 458.324, Florida Statutes, are amended to read:

489 458.324 Breast cancer; information on treatment  
490 alternatives.—

491 (1) DEFINITION.—As used in this section, the term  
492 “medically viable,” as applied to treatment alternatives, means  
493 modes of treatment generally considered by the medical

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494 profession to be within the scope of current, acceptable  
495 standards, including treatment alternatives described in the  
496 written summary prepared by the Florida Cancer Control and  
497 Resource Research ~~Research~~ Advisory Council in accordance with s.  
498 1004.435(4)(p) ~~1004.435(4)(m)~~.

499 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—Each physician  
500 treating a patient who is, or in the judgment of the physician  
501 is at high risk of being, diagnosed as having breast cancer  
502 shall inform such patient of the medically viable treatment  
503 alternatives available to such patient; shall describe such  
504 treatment alternatives; and shall explain the relative  
505 advantages, disadvantages, and risks associated with the  
506 treatment alternatives to the extent deemed necessary to allow  
507 the patient to make a prudent decision regarding such treatment  
508 options. In compliance with this subsection:

509 (a) The physician may, in his or her discretion:

510 1. Orally communicate such information directly to the  
511 patient or the patient's legal representative;

512 2. Provide the patient or the patient's legal  
513 representative with a copy of the written summary prepared in  
514 accordance with s. 1004.435(4)(p) ~~1004.435(4)(m)~~ and express a  
515 willingness to discuss the summary with the patient or the  
516 patient's legal representative; or

517 3. Both communicate such information directly and provide a  
518 copy of the written summary to the patient or the patient's  
519 legal representative for further consideration and possible  
520 later discussion.

521  
522 Nothing in this subsection shall reduce other provisions of law

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523 regarding informed consent.

524 Section 5. Subsection (1) and paragraph (a) of subsection  
525 (2) of section 459.0125, Florida Statutes, are amended to read:

526 459.0125 Breast cancer; information on treatment  
527 alternatives.—

528 (1) DEFINITION.—As used in this section, the term  
529 “medically viable,” as applied to treatment alternatives, means  
530 modes of treatment generally considered by the medical  
531 profession to be within the scope of current, acceptable  
532 standards, including treatment alternatives described in the  
533 written summary prepared by the Florida Cancer Control and  
534 Resource Research ~~Research~~ Advisory Council in accordance with s.  
535 1004.435(4)(p) ~~1004.435(4)(m)~~.

536 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.—It is the  
537 obligation of every physician treating a patient who is, or in  
538 the judgment of the physician is at high risk of being,  
539 diagnosed as having breast cancer to inform such patient of the  
540 medically viable treatment alternatives available to such  
541 patient; to describe such treatment alternatives; and to explain  
542 the relative advantages, disadvantages, and risks associated  
543 with the treatment alternatives to the extent deemed necessary  
544 to allow the patient to make a prudent decision regarding such  
545 treatment options. In compliance with this subsection:

546 (a) The physician may, in her or his discretion:

547 1. Orally communicate such information directly to the  
548 patient or the patient’s legal representative;

549 2. Provide the patient or the patient’s legal  
550 representative with a copy of the written summary prepared in  
551 accordance with s. 1004.435(4)(p) ~~1004.435(4)(m)~~ and express her

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552 or his willingness to discuss the summary with the patient or  
553 the patient's legal representative; or

554 3. Both communicate such information directly and provide a  
555 copy of the written summary to the patient or the patient's  
556 legal representative for further consideration and possible  
557 later discussion.

558  
559 Nothing in this subsection shall reduce other provisions of law  
560 regarding informed consent.

561 Section 6. (1) The Legislature finds that Florida must  
562 expand its graduate medical education to meet the medical needs  
563 of its residents. The Association of American Medical Colleges  
564 ranked Florida 43rd nationally in numbers of medical residents  
565 per 100,000 population. Approximately 2,700 additional medical  
566 residency positions are required in this state simply to meet  
567 the national average per population. In accordance with these  
568 findings, the Agency for Health Care Administration shall  
569 establish a demonstration project by allowing prepaid managed  
570 care organizations providing behavioral health services to  
571 patients in Miami-Dade County to fund a residency program  
572 sponsored by Florida International University and administered  
573 by a federally qualified health center.

574 (2) The Agency for Health Care Administration shall  
575 authorize managed care organizations providing behavioral health  
576 services directly or indirectly to Medicaid patients in Miami-  
577 Dade County to allocate up to 1 percent of the medical loss  
578 ratio to fund a new psychiatric graduate medical education  
579 program located at a federally qualified health center and  
580 sponsored by Florida International University Wertheim College

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581 of Medicine. The university shall select a federally qualified  
582 health center that has a large general psychiatric practice with  
583 the capacity to implement a new psychiatry residency program and  
584 a demonstrated commitment to establishing a new psychiatry  
585 residency program.

586 (3) Payments pursuant to this section shall be made to  
587 Florida International University for the design, development,  
588 and operation of the psychiatric residency program and are  
589 deemed to be payments for behavioral health services and not  
590 administrative services. Any managed care organization  
591 allocating funds under this section must enter into an agreement  
592 with Florida International University making provision for  
593 recurring annual payments to Florida International University of  
594 up to 1 percent of the medical loss ratio for behavioral health  
595 services provided to Medicaid patients in Miami-Dade County to  
596 support the psychiatry residency program.

597 (4) Each January 1, beginning in 2014 and for the duration  
598 of the demonstration project, the agency shall submit to the  
599 Governor, the President of the Senate, and the Speaker of the  
600 House of Representatives an annual report on the success and  
601 outcomes achieved by the demonstration project, which must  
602 include a recommendation as to whether the demonstration project  
603 should be continued, terminated, or expanded.

604 Section 7. This act shall take effect July 1, 2012.