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1 A bill to be entitled
2 An act relating to quality cancer care and research;
3 creating s. 381.925, F.S.; providing legislative
4 intent and goals; establishing a Cancer Center of
5 Excellence Award for providers that excel in providing
6 cancer care and treatment in this state; requiring the
7 Florida Cancer Control and Research Advisory Council
8 and the Biomedical Research Advisory Council to
9 jointly develop and periodically update performance
10 measures, a rating system, and a rating standard in
11 accordance with specified criteria for applicants to
12 qualify for the award; providing minimum standards;
13 authorizing a provider to apply to the Department of
14 Health for the award; requiring the Florida Cancer
15 Control and Research Advisory Council and the
16 Biomedical Research Advisory Council to jointly
17 develop an application form; requiring the department
18 to conduct two application cycles each year;
19 specifying that ch. 120, F.S., does not apply to the
20 applications or notification of entities that are
21 eligible for the award; requiring the State Surgeon
22 General to assemble an evaluation team to assess
23 applications; requiring each application to be
24 evaluated independently of any other application;
25 providing membership of and requirements for the
26 evaluation team; providing duties of the members of
27 the evaluation team; requiring the State Surgeon
28 General to notify the Governor of the providers that
29 are eligible to receive the award; limiting the

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30 duration of the award; authorizing an award-winning
31 cancer provider to use the designation in its
32 advertising and marketing; providing that an award-
33 winning cancer provider is granted preference in
34 competitive cancer care solicitations for a specified
35 period of time; requiring the State Surgeon General to
36 report to the Legislature by a specified date, and
37 annually thereafter, the status of implementing the
38 award program; requiring the Department of Health to
39 adopt rules related to the application cycles and
40 submission of the application forms; amending s.
41 215.5602, F.S.; revising the responsibilities of the
42 Biomedical Research Advisory Council with regard to
43 the Cancer Center of Excellence Award program;
44 amending s. 381.922, F.S.; authorizing endowments
45 under the William G. "Bill" Bankhead, Jr., and David
46 Coley Cancer Research Program for establishing funded
47 research chairs at integrated research and care
48 institutions contingent upon an appropriation;
49 providing procedures if the endowed chair becomes
50 vacant; requiring that research institutions report
51 certain information regarding the selected research
52 chair of the endowment and other information about the
53 endowment; providing for qualifications of the chair;
54 specifying the use of the funds in the endowment;
55 amending s. 1004.435, F.S.; revising the
56 responsibilities of the Florida Cancer Control and
57 Research Advisory Council with regard to the Cancer
58 Center of Excellence Award program; providing an

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59 effective date.

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

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63 Section 1. Section 381.925, Florida Statutes, is created to
64 read:

65 381.925 Cancer Center of Excellence Award.-

66 (1) The Legislature intends to recognize hospitals,
67 treatment centers, and other providers in this state which
68 demonstrate excellence in patient-centered, coordinated care for
69 persons undergoing cancer treatment and therapy in this state.
70 The goal of this program is to encourage excellence in cancer
71 care in this state, attract and retain the best cancer care
72 providers to the state, and help Florida providers be recognized
73 nationally as a preferred destination for quality cancer care.
74 The Cancer Center of Excellence Award will recognize providers
75 that exceed service standards and excel in providing a quality,
76 comprehensive, and patient-centered coordinated care program.

77 (2) The Florida Cancer Control and Research Advisory
78 Council, established in s. 1004.435, and the Biomedical Research
79 Advisory Council, established in s. 215.5602, shall jointly
80 develop rigorous performance measures, a rating system, and a
81 rating standard that must be achieved to document and
82 distinguish a cancer center that excels in providing a quality,
83 comprehensive, and patient-centered coordinated care program.
84 The two councils shall review at least every 3 years, and
85 jointly revise if applicable, the performance measures, rating
86 system, and rating standard to ensure providers are continually
87 enhancing their programs to reflect best practices and advances

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88 in cancer treatment and care from the perspective of
89 comprehensive and patient-centered coordinated care. At a
90 minimum, the criteria must require that each hospital, treatment
91 center, or other provider:

92 (a) Maintain a license in this state which authorizes
93 health care services to be provided. A provider may not have
94 been disciplined or subjected to any administrative enforcement
95 action by state or federal regulatory authorities within the
96 preceding 3 years.

97 (b) Be accredited by the Commission on Cancer of the
98 American College of Surgeons.

99 (c) Actively participate in at least one regional cancer
100 control collaborative that is operating pursuant to the Florida
101 Comprehensive Cancer Control Program's cooperative agreement
102 with the Centers for Disease Control and Prevention's National
103 Comprehensive Cancer Control Program.

104 (d) Meet enhanced cancer care coordination standards set by
105 the councils which, at a minimum, focus on:

106 1. Coordination of care by cancer specialists and nursing
107 and allied health professionals.

108 2. Psychosocial assessment and services.

109 3. Suitable and timely referrals and followup.

110 4. Providing accurate and complete information on treatment
111 options, including clinical trials, which consider each person's
112 needs, preferences, and resources, whether provided by that
113 center or available through other health care providers.

114 5. Participation in a comprehensive network of cancer
115 specialists of multiple disciplines, which enables the patient
116 to consult with a variety of experts to examine treatment

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117 alternatives.

118 6. Family services and support.

119 7. Aftercare and survivor services.

120 8. Patient and family satisfaction survey results.

121 (3) (a) A provider may apply to the Department of Health for
122 a Cancer Center of Excellence Award. The Florida Cancer Control
123 and Research Advisory Council and the Biomedical Research
124 Advisory Council shall jointly develop an application form that
125 requires, among other things, submission of documentation by the
126 provider which demonstrates that the criteria in subsection (2)
127 have been met.

128 (b) The Department of Health shall annually conduct two
129 application cycles. The applications are not applications for
130 licensure; the notification by the State Surgeon General to the
131 Governor of the entities that are eligible for the award is not
132 final agency action; and the Cancer Center of Excellence Award
133 program is not subject to the provisions of chapter 120.

134 (4) (a) The State Surgeon General shall appoint a team of
135 independent evaluators to assess applicants to determine
136 eligibility for the award. An application is to be evaluated
137 independently of any other application. The team shall consist
138 of five evaluators to be selected, in any combination, from the
139 following:

140 1. No more than five health care practitioners or health
141 care facilities not licensed in this state which provide health
142 care services involving cancer diagnoses or treatment;

143 2. No more than three members from the Florida Cancer
144 Control and Research Advisory Council;

145 3. No more than two members from the Biomedical Research

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146 and Advisory Council; and

147 4. No more than one layperson who has experience as a
148 cancer patient or as a family member of a cancer patient if that
149 person or his or her family member did not receive care from the
150 applicant or providers being evaluated.

151 (b) Each evaluator must be independent and free of any
152 conflict of interest with respect to a health care provider or
153 facility licensed in this state. Each person selected to
154 participate on the evaluation team must sign a conflict of
155 interest attestation before being appointed to the evaluation
156 team.

157 (5) (a) Two evaluation team members may, as necessary,
158 verify onsite documentation submitted with an application for
159 the award.

160 (b) Each member on the evaluation team shall report to the
161 State Surgeon General those applicants that achieved or exceeded
162 the required score based on the rating system developed in
163 subsection (2) which demonstrates the cancer center excels in
164 providing a quality, comprehensive, and patient-centered
165 coordinated care program.

166 (6) The State Surgeon General shall notify the Governor
167 regarding the providers that are eligible to receive the Cancer
168 Center of Excellence Award.

169 (7) The award shall be recognized for a period of 3 years
170 from the date of the award. A provider may reapply for
171 subsequent awards.

172 (8) A provider that receives a Cancer Center of Excellence
173 Award may use the designation in its advertising and marketing
174 for up to 3 years from the date of the award. In addition, a

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175 provider that receives a Cancer Center of Excellence Award may
176 be granted, for 3 years from the date of the award, a preference
177 in competitive cancer care solicitations undertaken by a state
178 agency or state university.

179 (9) The State Surgeon General shall report to the President
180 of the Senate and the Speaker of the House of Representatives by
181 January 31, 2014, and annually thereafter, the status of
182 implementing the Cancer Center of Excellence Award program,
183 metrics on the number of applications received and the number of
184 award recipients by application cycle, a list of award
185 recipients, and recommendations for legislation to strengthen
186 the program.

187 (10) The Department of Health shall adopt rules related to
188 the application cycles and submission of the application form.

189 Section 2. Paragraph (j) is added to subsection (4) of
190 section 215.5602, Florida Statutes, to read:

191 215.5602 James and Esther King Biomedical Research
192 Program.—

193 (4) The council shall advise the State Surgeon General as
194 to the direction and scope of the biomedical research program.
195 The responsibilities of the council may include, but are not
196 limited to:

197 (j) The council shall, with the Florida Cancer Control and
198 Research Advisory Council, jointly develop performance measures,
199 a rating system, a rating standard, and an application form for
200 the Cancer Center of Excellence Award created in s. 381.925. The
201 council shall also support the State Surgeon General in
202 implementing the award program by ensuring that at least two
203 members of the council, who must be independent of the

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204 applicants for the award, are available to serve on the
205 evaluation team as requested by the State Surgeon General. The
206 council shall advise the State Surgeon General with respect to
207 the Cancer Center for Excellence Award program.

208 Section 3. Subsection (4) of section 381.922, Florida
209 Statutes, is renumbered as subsection (5), and a new subsection
210 (4) is added to that section, to read:

211 381.922 William G. "Bill" Bankhead, Jr., and David Coley
212 Cancer Research Program.—

213 (4) In order to attract and retain experienced research
214 talent and attendant national grant-producing researchers to
215 integrated cancer research and care institutions in this state,
216 the Department of Health shall award endowments to integrated
217 cancer research and care institutions for establishing a funded
218 research chair, pursuant to the General Appropriations Act
219 specifying an appropriation for this purpose. The purpose of the
220 endowment is to provide secure funding for at least 7 years to
221 attract an experienced and promising researcher whose continued
222 employment for this period is not contingent upon grant awards
223 associated with time-limited research projects. In addition, the
224 Legislature intends for a chair to specialize in a cancer-
225 related research field that will facilitate coordination among
226 research institutions within the state and attract other
227 promising researchers and funding to the state.

228 (a) If it becomes necessary for an institution that has
229 been granted an endowed chair to replace the researcher, the
230 endowment must cease funding expenses associated with the
231 endowed chair other than reasonable costs for recruitment until
232 a replacement researcher has been retained. While the endowed

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233 chair is vacant, the endowment must continue to earn interest
234 and all earnings must be added to the balance of the endowment.
235 A vacancy tolls the 7-year timeframe for the endowed chair.

236 (b) An institution funded pursuant to this subsection shall
237 provide to the Governor, the President of the Senate, and the
238 Speaker of the House of Representatives a report that must, at a
239 minimum, describe the research program and general
240 responsibilities of the researcher who is to be selected for the
241 endowed chair. Upon final selection of the research chair, or if
242 it becomes necessary to replace a research chair, the
243 institution shall notify the chair of the Appropriations
244 Committee of the Senate and the chair of the Appropriations
245 Committee of the House of Representatives of the research
246 chair's name, the endowment budget, and the specific research
247 responsibilities. The institution shall annually report to the
248 President of the Senate and the Speaker of the House of
249 Representatives the research chair's name, the amount of the
250 endowment fund used for the chair's salary, research
251 responsibilities, the percentage of time devoted to research if
252 the chair also serves as a member of the faculty, research
253 progress, progress toward achieving the goals of this program,
254 endowment expenditures and balance, interest rate, and interest
255 earned on the endowment.

256 Section 4. Paragraph (r) of subsection (4) of section
257 1004.435, Florida Statutes, is redesignated as paragraph (s),
258 and a new paragraph (r) is added to that subsection, to read:

259 1004.435 Cancer control and research.—

260 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;
261 CREATION; COMPOSITION.—

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262 (r) The council shall, with the Biomedical Research
263 Advisory Council, jointly develop performance measures, a rating
264 system, a rating standard, and an application form for the
265 Cancer Center of Excellence Award created in s. 381.925. The
266 council shall also support the State Surgeon General in
267 implementing the Cancer Center of Excellence Award program by
268 ensuring that at least three members of the council, who must be
269 independent of the applicants for the award, are available to
270 serve on the evaluation team as requested by the State Surgeon
271 General. The council shall advise the State Surgeon General with
272 respect to the Cancer Center for Excellence Award program.

273 Section 5. This act shall take effect July 1, 2013.