

**By** the Committee on Children, Families, and Elder Affairs; and  
Senator Flores

586-02627-13

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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 performance measures, a rating system,  
10          and a rating standard in accordance with specified  
11          criteria for applicants to qualify for the award;  
12          providing minimum standards; authorizing a provider to  
13          apply to the Department of Health for the award;  
14          requiring the Florida Cancer Control and Research  
15          Advisory Council and the Biomedical Research Advisory  
16          Council to jointly develop an application form;  
17          requiring the department to conduct two application  
18          cycles each year; specifying that ch. 120, F.S., does  
19          not apply to the applications or notification of  
20          entities that are eligible for the award; requiring  
21          the State Surgeon General to assemble an evaluation  
22          team to assess applications; requiring each  
23          application to be evaluated independently of any other  
24          application; providing membership of and requirements  
25          for the evaluation team; providing duties of the  
26          members of the evaluation team; requiring the State  
27          Surgeon General to notify the Governor of the  
28          providers that are eligible to receive the award;  
29          limiting the duration of the award; authorizing an

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

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

60  
61 Section 1. Section 381.925, Florida Statutes, is created to  
62 read:

63 381.925 Cancer Center of Excellence Award.-

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

75 (2) The Florida Cancer Control and Research Advisory  
76 Council, established in s. 1004.435, and the Biomedical Research  
77 Advisory Council, established in s. 215.5602, shall jointly  
78 develop rigorous performance measures, a rating system, and a  
79 rating standard that must be achieved to document and  
80 distinguish a cancer center that excels in providing a quality,  
81 comprehensive, and patient-centered coordinated care program. At  
82 a minimum, the criteria must require that each hospital,  
83 treatment center, or other provider:

84 (a) Maintain a license in this state which authorizes  
85 health care services to be provided. A provider may not have  
86 been disciplined or subjected to any administrative enforcement  
87 action by state or federal regulatory authorities within the

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88 preceding 3 years.

89 (b) Be accredited by the Commission on Cancer of the  
90 American College of Surgeons.

91 (c) Actively participate in at least one regional cancer  
92 control collaborative that is operating pursuant to the Florida  
93 Comprehensive Cancer Control Program's cooperative agreement  
94 with the Centers for Disease Control and Prevention's National  
95 Comprehensive Cancer Control Program.

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

98 1. Coordination of care by cancer specialists and nursing  
99 and allied health professionals.

100 2. Psychosocial assessment and services.

101 3. Suitable and timely referrals and followup.

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

106 5. Participation in a comprehensive network of cancer  
107 specialists of multiple disciplines, which enables the patient  
108 to consult with a variety of experts to examine treatment  
109 alternatives.

110 6. Family services and support.

111 7. Aftercare and survivor services.

112 8. Patient and family satisfaction survey results.

113 (3) (a) A provider may apply to the Department of Health for  
114 a Cancer Center of Excellence Award. The Florida Cancer Control  
115 and Research Advisory Council and the Biomedical Research  
116 Advisory Council shall jointly develop an application form that

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117 requires, among other things, submission of documentation by the  
118 provider which demonstrates that the criteria in subsection (2)  
119 have been met.

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

126 (4) (a) The State Surgeon General shall appoint a team of  
127 independent evaluators to assess applicants to determine  
128 eligibility for the award. An application is to be evaluated  
129 independently of any other application. The team shall consist  
130 of five evaluators to be selected, in any combination, from the  
131 following:

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

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

137 3. No more than two members from the Biomedical Research  
138 and Advisory Council; and

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

143 (b) Each evaluator must be independent and free of any  
144 conflict of interest with respect to a health care provider or  
145 facility licensed in this state. Each person selected to

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146 participate on the evaluation team must sign a conflict of  
147 interest attestation before being appointed to the evaluation  
148 team.

149 (5) (a) Two evaluation team members may, as necessary,  
150 verify onsite documentation submitted with an application for  
151 the award.

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

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

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

164 (8) A provider that receives a Cancer Center of Excellence  
165 Award may use the designation in its advertising and marketing  
166 for up to 3 years from the date of the award. In addition, a  
167 provider that receives a Cancer Center of Excellence Award may  
168 be granted, for 3 years from the date of the award, a preference  
169 in competitive solicitations undertaken by a state agency or  
170 state university.

171 (9) The State Surgeon General shall report to the President  
172 of the Senate and the Speaker of the House of Representatives by  
173 January 31, 2014, and annually thereafter, the status of  
174 implementing the Cancer Center of Excellence Award program,

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175 metrics on the number of applications received and the number of  
176 award recipients by application cycle, a list of award  
177 recipients, and recommendations for legislation to strengthen  
178 the program.

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

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

183 215.5602 James and Esther King Biomedical Research  
184 Program.—

185 (4) The council shall advise the State Surgeon General as  
186 to the direction and scope of the biomedical research program.  
187 The responsibilities of the council may include, but are not  
188 limited to:

189 (j) The council shall, with the Florida Cancer Control and  
190 Research Advisory Council, jointly develop performance measures,  
191 a rating system, a rating standard, and an application form for  
192 the Cancer Center of Excellence Award created in s. 381.925. The  
193 council shall also support the State Surgeon General in  
194 implementing the award program by ensuring that at least two  
195 members of the council, who must be independent of the  
196 applicants for the award, are available to serve on the  
197 evaluation team as requested by the State Surgeon General. The  
198 council shall advise the State Surgeon General with respect to  
199 the Cancer Center for Excellence Award program.

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

203 381.922 William G. "Bill" Bankhead, Jr., and David Coley

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204 Cancer Research Program.—

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

220 (a) Any research institution funded pursuant to this  
221 subsection shall provide to the Governor, the President of the  
222 Senate, and the Speaker of the House of Representatives a report  
223 that must, at a minimum, describe the research program and  
224 general responsibilities of the researcher who is to selected  
225 for the endowed chair. Upon final selection of the research  
226 chair, or if it becomes necessary to identify a replacement  
227 research chair, the research institution shall notify the chair  
228 of the Appropriations Committee of the Senate and the chair of  
229 the Appropriations Committee of the House of Representatives the  
230 research chair's name, the endowment budget, and the specific  
231 research responsibilities. The research institution shall  
232 annually report to the President of the Senate and the Speaker

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233 of the House of Representatives the research chair's name,  
234 current salary, research responsibilities, percentage of time  
235 devoted to research if the chair also serves as a member of the  
236 faculty, reports on research progress and progress toward  
237 achieving the goals of this program, endowment expenditures and  
238 balance, interest rate, and interest earned on the endowment.

239 Section 4. Paragraph (r) of subsection (4) of section  
240 1004.435, Florida Statutes, is redesignated as paragraph (s),  
241 and a new paragraph (r) is added to that subsection, to read:

242 1004.435 Cancer control and research.—

243 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY COUNCIL;  
244 CREATION; COMPOSITION.—

245 (r) The council shall, with the Biomedical Research  
246 Advisory Council, jointly develop performance measures, a rating  
247 system, a rating standard, and an application form for the  
248 Cancer Center of Excellence Award created in s. 381.925. The  
249 council shall also support the State Surgeon General in  
250 implementing the Cancer Center of Excellence Award program by  
251 ensuring that at least three members of the council, who must be  
252 independent of the applicants for the award, are available to  
253 serve on the evaluation team as requested by the State Surgeon  
254 General. The council shall advise the State Surgeon General with  
255 respect to the Cancer Center for Excellence Award program.

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