

**By** the Committees on Appropriations; and Children, Families, and Elder Affairs; and Senators Flores and Sobel

576-03106-13

20131660c2

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

576-03106-13

20131660c2

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

576-03106-13

20131660c2

59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87

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

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

381.925 Cancer Center of Excellence Award.—

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

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

576-03106-13

20131660c2

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

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

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

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

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

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

107 2. Psychosocial assessment and services.

108 3. Suitable and timely referrals and followup.

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

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

576-03106-13

20131660c2

117 6. Family services and support.

118 7. Aftercare and survivor services.

119 8. Patient and family satisfaction survey results.

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

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

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

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

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

144 3. No more than two members from the Biomedical Research  
145 and Advisory Council; and

576-03106-13

20131660c2

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

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

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

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

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

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

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

576-03106-13

20131660c2

175 be granted, for 3 years from the date of the award, a preference  
176 in competitive solicitations undertaken by a state agency or  
177 state university.

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

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

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

190 215.5602 James and Esther King Biomedical Research  
191 Program.—

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

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

576-03106-13

20131660c2

204 evaluation team as requested by the State Surgeon General. The  
205 council shall advise the State Surgeon General with respect to  
206 the Cancer Center for Excellence Award program.

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

210 381.922 William G. "Bill" Bankhead, Jr., and David Coley  
211 Cancer Research Program.—

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

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

576-03106-13

20131660c2

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

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

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

258 1004.435 Cancer control and research.—

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

261 (r) The council shall, with the Biomedical Research

576-03106-13

20131660c2

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

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