

## Committee Substitute for Senate Bill No. 1306

An act relating to Medicaid assistance for breast and cervical cancer treatment; creating the Mary Brogan Breast and Cervical Cancer Early Detection Program Act; amending s. 409.904, F.S.; authorizing Medicaid reimbursement for medical assistance provided to certain persons for treatment of breast or cervical cancer; requiring the Department of Health and the Agency for Health Care Administration to monitor expenditures under the act; requiring that certain services be limited if expenditures are projected to exceed appropriations; requiring the Department of Health to submit an annual report to the Legislature and the Governor; providing an effective date.

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

Section 1. Section 381.93, Florida Statutes is created to read:

381.93 Breast and cervical cancer early detection program.—This section may be cited as the “Mary Brogan Breast and Cervical Cancer Early Detection Program Act.”

(1) It is the intent of the Legislature to reduce the rates of death due to breast and cervical cancer through early diagnosis and increased access to early screening, diagnosis, and treatment programs.

(2) The Department of Health, using available federal funds and state funds appropriated for that purpose, is authorized to establish the Mary Brogan Breast and Cervical Cancer Screening and Early Detection Program to provide screening, diagnosis, evaluation, treatment, case management, and followup and referral to the Agency for Health Care Administration for coverage of treatment services.

(3) The Mary Brogan Breast and Cervical Cancer Early Detection Program shall be funded through grants for such screening and early detection purposes from the federal Centers for Disease Control and Prevention under Title XV of the Public Health Service Act, 42 U.S.C. 300k et seq.

(4) The department shall limit enrollment in the program to persons with incomes up to and including 200 percent of the federal poverty level. The department shall establish an eligibility process that includes an income-verification process to ensure that persons served under the program meet income guidelines.

(5) The department may provide other breast and cervical cancer screening and diagnostic services; however, such services shall be funded separately through other sources than this act.

Section 2. Subsection (9) is added to section 409.904, Florida Statutes, to read:

409.904 Optional payments for eligible persons.—The agency may make payments for medical assistance and related services on behalf of the following persons who are determined to be eligible subject to the income, assets, and categorical eligibility tests set forth in federal and state law. Payment on behalf of these Medicaid eligible persons is subject to the availability of moneys and any limitations established by the General Appropriations Act or chapter 216.

(9) A woman who has not attained 65 years of age and who has been screened for breast or cervical cancer by a qualified entity under the Mary Brogan Breast and Cervical Cancer Early Detection Program of the Department of Health and needs treatment for breast or cervical cancer and is not otherwise covered under creditable coverage, as defined in s. 2701(c) of the Public Health Service Act. For purposes of this subsection, the term “qualified entity” means a county public health department or other entity that has contracted with the Department of Health to provide breast and cervical cancer screening services paid for under this act. In determining the eligibility of such a woman, an assets test is not required. A presumptive eligibility period begins on the date on which all eligibility criteria appear to be met and ends on the date determination is made with respect to the eligibility of such woman for services under the state plan or, in the case of such a woman who does not file an application, by the last day of the month following the month in which the presumptive eligibility determination is made. A woman is eligible until she gains creditable coverage, until treatment is no longer necessary, or until attainment of 65 years of age.

Section 3. The Department of Health and the Agency for Health Care Administration shall monitor the total Medicaid expenditures for services made under this act. If Medicaid expenditures are projected to exceed the amount appropriated by the Legislature, the Department of Health shall limit the number of screenings to ensure Medicaid expenditures do not exceed the amount appropriated. The Department of Health, in cooperation with the Agency for Health Care Administration, shall prepare an annual report that must include the number of women screened; the percentage of positive and negative outcomes; the number of referrals to Medicaid and other providers for treatment services; the estimated number of women who are not screened or not served by Medicaid due to funding limitations, if any; the cost of Medicaid treatment services; and the estimated cost of treatment services for women who were not screened or referred for treatment due to funding limitations. The report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, and the Executive Office of the Governor by March 1 of each year.

Section 4. This act shall take effect July 1, 2001.

Approved by the Governor May 23, 2001.

Filed in Office Secretary of State May 23, 2001.