

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

CONFERENCE COMMITTEE

SUBSTITUTE FOR

ENGROSSED HOUSE BILL NO. 2795

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Fields, Holt, Hutchison,  
Key, Maddux (Elmer),  
Monks, Satterfield,  
Stites, Toure, Widener,  
Williams, Worthen,  
Breckinridge and Kouba of  
the House

and

Williams (Penny), Fair,  
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Brown, Fisher, Cole, Long  
(Ed) and Henry of the  
Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to breast cancer prevention and treatment; stating legislative findings; stating facts pointing to such findings; providing short title; enacting the Oklahoma Breast Cancer Act; creating the Oklahoma Breast Cancer Prevention and Treatment Advisory Committee; providing for membership, appointments, qualifications, terms, officers, meetings, subcommittees, reimbursement and staff of such Committee; providing for certain powers and duties of such relating to the contracting for certain services by the Oklahoma Center for the Advancement of Science and Technology; requiring certain reports; specifying such reports; creating the Oklahoma Breast Cancer Act Revolving Fund; stating purposes; providing for budgeting and expenditure from such fund, and providing for procedures related thereto; amending 74 O.S. 1991, Sections 5060.11, 5060.14 and 5060.17, which relate to the Oklahoma Center for the Advancement of Science and Technology; authorizing the Center to create an additional account; naming the account the Breast Cancer Research Account; authorizing certain uses of such account; adding condition for an award for a professional service contract by the Oklahoma Center for the Advancement of Science and Technology; requesting the Board of Regents of the University of Oklahoma to establish a Center for Women's Health; stating purpose; suggesting certain responsibilities for

such Center; providing for codification; and providing for noncodification.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. A. The purpose of the Oklahoma Breast Cancer Act is to establish programs in the State of Oklahoma that will make a meaningful and significant scientific contribution in determining the causes of breast cancer and will lead to finding a cure or more effective treatment strategies for those who are afflicted with breast cancer.

B. The Oklahoma Legislature hereby finds that breast cancer is a major public health problem in Oklahoma that devastates those who are afflicted with the disease and those family members and others who care for the persons afflicted with the disease. This finding is based on the following facts:

1. In 1992, five hundred ten women died from breast cancer in Oklahoma. Of these five hundred ten women, three hundred were less than seventy (70) years of age;

2. In 1992, one thousand five hundred eighty women in Oklahoma were diagnosed with breast cancer;

3. Approximately one out of eight women in Oklahoma are projected to have breast cancer during their lifetime, with predictions that in the future one out of six women in Oklahoma will need treatment for breast cancer as that population's life expectancy increases;

4. Only sixty-one percent (61%) of women in Oklahoma over the age of forty (40) have ever had a mammogram, and only forty percent (40%) of these women have routine mammograms, which is considered the most effective first line of defense in the detection of breast cancer; and

5. Projections are that ninety eight thousand seven hundred women in Oklahoma between the ages of forty (40) and sixty-four (64) are in need of mammography screening but are not being screened because their insurance does not cover mammograms or they are uninsured.

C. Statistically, the Legislature finds that if the state developed an adequate public education program regarding breast cancer and that if ninety percent (90%) of all women between the ages of forty (40) and sixty-four (64) in Oklahoma received routine age-specific mammograms and performed breast self-evaluations, the mortality rate from breast cancer would be reduced by thirty-five percent (35%) without any improvement in treatment.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3315 of Title 70, unless there is created a duplication in numbering, reads as follows:

Sections 2 through 5 of this act shall be known and may be cited as the "Oklahoma Breast Cancer Act".

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5060.9b of Title 70, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the "Oklahoma Breast Cancer Prevention and Treatment Advisory Committee" within the Oklahoma Center for the Advancement of Science and Technology. The Committee shall consist of fifteen (15) members and be advisory to the Oklahoma Center for the Advancement of Science and Technology.

B. Members of the Committee shall be appointed as follows:

1. Five members appointed by the Governor, of which four members shall represent organizations which are at the time of the appointment advocating statewide for the enhanced prevention or treatment or early detection of breast cancer in Oklahoma;

2. Five members appointed by the Speaker of the Oklahoma House of Representatives, of which two members shall be breast cancer survivors; and

3. Five members appointed by the President Pro Tempore of the Senate, of which two members shall have been married to or children of persons who have died of breast cancer or conditions related to breast cancer.

The remaining appointees to the Committee shall be medical professionals who specialize in the detection, prevention or treatment of breast cancer. Appointments to the Committee shall

be made to provide the Committee with a geographically, economically, and ethnically diverse composition. Associations and advocacy groups may provide appointing authorities lists from which they may select appointments.

C. Members of the Committee shall serve a four-year term and may be reappointed. The Committee shall elect from among its members a chair, vice-chair, and any other officers that the Committee determines are necessary.

D. The President of the Oklahoma Center for the Advancement of Science and Technology shall call the first meeting of the Committee by October 15, 1994. The Committee shall meet at least once each quarter.

E. The Committee may appoint subcommittees as it deems necessary.

F. Members of the Committee shall not receive a salary for duties performed for the Committee. Reimbursement for necessary travel expenses incurred in the performance of their official duties as members of the Committee shall be made in accordance with the State Travel Reimbursement Act.

G. The Oklahoma Center for the Advancement of Science and Technology shall provide staff assistance for the Committee.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5060.9c of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Breast Cancer Prevention and Treatment Advisory Committee shall advise the Oklahoma Center for the Advancement of Science and Technology regarding the contracting on the following statewide services related to breast cancer, including but not limited to:

1. Mammography screening of women for breast cancer and screening for cervical cancer as early detection health care measures provided by facilities accredited by national organizations which have formed coalitions to issue national cancer screening guidelines;

2. Medical referral of screened persons with abnormal findings for definitive diagnosis and, to the extent practical, additional services or assistance for such persons;

3. Education and training programs for health care professionals to improve the detection and control of breast cancer, and communication with breast and cervical cancer patients after diagnosis;

4. Annual public education awareness campaigns to improve the knowledge and health care practices of all Oklahoma women with respect to breast and cervical cancer;

5. Epidemiological trend studies utilizing the data from the Oklahoma Central Cancer Registry for incidence, prevalence and survival of breast cancer victims; and

6. Outreach to groups with high proportions of uninsured and underinsured women.

B. The contracts for services specified in this section shall provide appropriate requirements resulting in:

1. Enhancement of quality control standards within facilities which perform diagnostic cancer screening for breast and cervical cancer; and

2. Establishment of fees for breast and cervical cancer screening and diagnostic tests at the accepted Medicare/Medicaid rate and a sliding fee schedule to encourage self-responsibility.

C. The Oklahoma Breast Cancer Prevention and Treatment Advisory Committee shall make annual reports to the Governor, Speaker of the House of Representatives and President Pro Tempore of the Oklahoma State Senate by October 1 of each year. The annual reports shall report activities pursuant to the Oklahoma Breast Cancer Act during the prior fiscal year, including the funding for related activities. The report shall account for research and breast and cervical cancer screenings for uninsured and underinsured women. The report shall also recommend additional funding, if necessary, to provide screenings and treatment for breast cancer for uninsured and underinsured women.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5060.9d of Title 74, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Oklahoma Center for the Advancement of Science and Technology to be designated the "Breast Cancer Act Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies apportioned to the fund and gifts or donations to the fund. Fifty percent (50%) of all monies apportioned to the credit of the fund are hereby appropriated and may be budgeted and expended by the Oklahoma Center for the Advancement of Science and Technology for the purposes specified in Section 4 of this act and to compensate staff to implement the Oklahoma Breast Cancer Act and fifty percent (50%) of all monies accruing to the credit of said fund are hereby to be transferred to the Breast Cancer Research Account established in Section 6 of this act and may be budgeted and expended by the Oklahoma Center for the Advancement of Science and Technology for breast cancer research. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 6. AMENDATORY 74 O.S. 1991, Section 5060.11, is amended to read as follows:

Section 5060.11 A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Center for the Advancement of Science and Technology to be designated the "Research Support Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. The fund shall consist of all monies authorized by law for deposit in such fund including, but not limited to, gifts, grants, private donations, fee revenues and funds by government entities authorized to provide funding for the purposes authorized for the use of the fund. Monies deposited or apportioned to the credit of the fund in excess of that required for implementation of the program or programs for which expenditures from the fund are authorized may

be transferred to any other fund under the control of the Center. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Center for the Advancement of Science and Technology for purposes authorized by law. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

B. The Center shall create ~~five~~ six accounts within the Research Support Revolving Fund for use in implementation of the various programs for which the Center is responsible. The accounts shall be the "Centers of Excellence Account", the "Applied Research Account", the "MOST Eminent Scholars and Research Equipment Account", the "Health Research Account", the "Breast Cancer Research Account", and the "Technology Transfer Account".

SECTION 7. AMENDATORY 74 O.S. 1991, Section 5060.14, is amended to read as follows:

Section 5060.14 A. The Center may use the Health Research Account and the Breast Cancer Research Account to carry out the purposes of this act by awarding competitive health research funds, through professional service contracts, to institutions of higher education, nonprofit research foundations and private enterprises of special importance to the Oklahoma economy.

B. There is hereby created within the Oklahoma Center for the Advancement of Science and Technology, the Oklahoma Health Research Committee to be appointed by the Governor which shall consist of nine (9) members, no more than five nor less than three of whom shall be physicians licensed pursuant to the laws of this state. For the initial Committee, three members shall be appointed for a term of two (2) years; three members shall be appointed for a term of four (4) years; and three members shall be appointed for a term of six (6) years. Thereafter members shall be appointed for a term of six (6) years. At all times the Committee shall be composed of at least:

1. One member from the clergy or who has an advanced degree in philosophy from an accredited institution of higher learning;

2. Five members who shall be basic health research scientists each having an established record of basic health science research accomplishment and a demonstrated interest in public service to represent the following areas: Epidemiology, public health or biometrics or psychology; biochemistry, anatomy or nutrition; microbiology, immunology or molecular biology; genetics, pathology, or pharmacology; biology or physiology; and

3. Three members who shall be clinical research scientists having an established record of clinical biomedical science research accomplishment and a demonstrated interest in public service to represent the clinical research disciplines.

The Health Research Committee as constituted prior to the effective date of this act shall be re-created within the Oklahoma Center for the Advancement of Science and Technology. Members of the Committee, formerly within the Oklahoma Department of Commerce, serving terms upon the effective date of this act shall continue to serve such terms.

Upon expiration of any term of office of the Health Research Committee, in making appointments to the Committee appropriate consideration shall be given to representation upon the Committee by race, gender and geographical area.

C. Any vacancy on the Committee shall be filled for the unexpired term within thirty (30) days after the vacancy occurs.

D. No more than three members of the Committee shall have the same primary affiliation with an institution of higher learning or a nonprofit research institution.

E. A basic health research scientist or clinical research scientist shall not be eligible to become a member of the Committee unless said scientist is the inventor of one or more products which have earned more than Two Hundred Thousand Dollars (\$200,000.00) in royalties or other profit within the fifteen (15) years immediately preceding appointment or is the principal investigator for research grants awarded by national health research organizations for at least five (5) years during the

fifteen (15) years immediately preceding appointment. Contractual commitments which have been made for a product or products shall qualify in meeting the royalty or profit requirement. Tentative commitments for future funding from national health research organizations shall satisfy the research grant requirement. Research grants awarded by the National Science Foundation, the National Institutes of Health, the American Heart Association, the Lung Association, the American Cancer Society, the Arthritis Foundation, the March of Dimes, and such other organizations that hold a peer-reviewed national competition for the distribution of research funds that the Committee deems acceptable from time to time shall satisfy the research grant requirement. Research grants which only may be awarded to investigators in this state shall not be used to satisfy the research grant time of support requirement. Service contracts or other grants which do not require submission of a research project or which are not funded competitively on the basis of scientific merit of the research project shall not satisfy the research grant time of support requirement.

F. Members of the Committee shall be reimbursed for expenses incurred in the performance of their duties as provided by the board of directors of the Center.

G. The Committee shall elect from its membership a chairman to serve a two-year term and such other officers from its membership as deemed necessary for the performance of the duties of the Committee. The Committee shall hold regular meetings not less than once a quarter and such additional meetings as called by the chairman as may be required for the proper discharge of the duties of the Committee. Any action by the Committee shall require the affirmative vote of a majority of its members present. Five members shall constitute a quorum.

SECTION 8. AMENDATORY 74 O.S. 1991, Section 5060.17, is amended to read as follows:

Section 5060.17 No professional service contract shall be awarded by the Oklahoma Center for the Advancement of Science and Technology to support a health research project unless:

1. The investigators are residents of this state or become residents of this state before the ninetieth day after a professional service contract, pursuant to which they will be functioning as an investigator, has been funded by the Center;

2. The institutions that administer the professional service contracts are primarily located in this state and are able to assume financial responsibility for professional service contracts;

3. The professional service contract will not be transferred to any other institutions within the state without the approval of the Center and will not be transferred to an institution outside this state at any time; ~~and~~

4. The funds will not be expended for patient care except if patient care is an intrinsic part of a funded professional service contract; and

5. For professional service contracts requiring a minimum of Fifty Thousand Dollars (\$50,000.00) per year from the Oklahoma Center for the Advancement of Science and Technology to support a health research project, documentation is provided that not less than fifty percent (50%) of the total direct cost of the proposed project shall be provided by sources other than from the Oklahoma Center for the Advancement of Science and Technology and other than state-appropriated money.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3316 of Title 70, unless there is created a duplication in numbering, reads as follows:

The Oklahoma State Legislature requests the Board of Regents of the University of Oklahoma to establish a Center for Women's Health within the College of Medicine at the University of Oklahoma Health Sciences Center in Oklahoma City which would be responsible for expanding the knowledge and understanding of women's health needs. The Center for Women's Health should:

1. Utilize the interdisciplinary approach which combines all areas of women's health care delivery in one location;

2. Develop extramural resources to support and carry out the highest quality clinical and basic research devoted to women's health issues;

3. Identify and develop effective health practices for women;

4. Provide demonstration projects directly related to the field of women's health; and

5. Disseminate information on women's health.

SECTION 10. The provisions of Section 1 of this act shall not be codified in the Oklahoma Statutes.

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