

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO.1609

By: Monson of the Senate

and

Winchester of the House

COMMITTEE SUBSTITUTE

An Act relating to public health and safety; amending 63 O.S. 2001, Sections 1-554, 1-555, 1-556, 1-557 and 1-558, which relate to breast cancer prevention and treatment; renaming the Oklahoma Breast Cancer Act and the Oklahoma Breast Cancer Prevention and Treatment Advisory Committee; conforming and clarifying language; modifying terms and qualifications of members; deleting obsolete reference; providing for position vacancy due to specified condition, providing procedure for filling vacancy; providing for reappointment of removed member; providing for appointment of chairs, convening of first meetings and future meetings; providing for appointment of new committee members as resources; providing for meeting and purpose of subcommittees; requiring oversight by committee; requiring report to State Board of Health and providing for content of report; expanding types of early detection measures; modifying name of revolving fund; deleting obsolete language; clarifying dates; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-554, is amended to read as follows:

Section 1-554. Sections ~~2~~ 1-554 through ~~8~~ 1-558 of this ~~act~~ title shall be known and may be cited as the "Oklahoma Breast and Cervical Cancer Act".

SECTION 2. AMENDATORY 63 O.S. 2001, Section 1-555, is amended to read as follows:

Section 1-555. A. There is hereby created the "Oklahoma Breast and Cervical Cancer Prevention and Treatment Advisory Committee", hereinafter referred to as the Advisory Committee, within the State Department of Health. The Committee shall be advisory to the Department and shall consist of sixteen (16) eighteen (18) members and ~~be advisory to the State Department of Health.~~

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

1. Four members appointed by the Governor, of ~~which~~ whom at least two ~~members~~ shall represent organizations which are, at the time of the appointment, advocating statewide for ~~the~~ enhanced prevention ~~or,~~ early detection and treatment ~~or early detection~~ of breast or cervical cancer in Oklahoma;

2. Four members appointed by the Speaker of the House of Representatives, of ~~which~~ whom at least two ~~members~~ shall be breast and cervical cancer survivors and one shall be a medical director of a ~~breast~~ women's health center in Oklahoma;

3. Four members appointed by the President Pro Tempore of the Senate, of ~~which~~ whom at least two ~~members~~ shall be family members of a person who has died of breast or cervical cancer or conditions related to breast cancer and one shall be a medical director of a ~~breast~~ women's health center in Oklahoma; ~~and~~

4. The State Commissioner of Health shall appoint four members, including a state epidemiologist and/or a Department official, who shall be appointed for their outstanding contributions in breast or cervical cancer treatment, research, prevention, or advocacy in Oklahoma; and

5. Two female legislators, one appointed by the Speaker of the House of Representatives and one appointed by the President Pro Tempore of the Senate.

~~C. B.~~ Appointments to the Advisory Committee shall be made to provide the Advisory Committee with a geographically, economically, and ethnically diverse composition. Associations and advocacy

groups such as a national cancer society, a national association of obstetrics and gynecology, a national academy of family physicians, a national academy of pediatrics, and a representative from a women's health organization, may provide appointing authorities with lists from which they may select appointments.

~~D. C. Those persons serving as members of the Committee on June 30, 1998, shall cease to be members of the Committee on July 1, 1998, unless appointed to serve terms starting July 1, 1998~~
Appointments to the Advisory Committee shall be completed no later than thirty (30) days after the adjournment of the 2nd Session of the 49th Legislature. A vacancy on the Advisory Committee shall be filled by the original appointing authority in the same manner that the position was originally filled.

D. The State Commissioner of Health shall appoint a chair of the Advisory Committee who shall be a participant in a community based women's cancer organization. The chair shall convene the first meeting of the Advisory Committee within ninety (90) days after adjournment of the 2nd Session of the 49th Legislature.

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

F. The Advisory Committee shall meet at least ~~twice~~ quarterly each year and may meet more frequently at the call of the chair.

G. The Advisory Committee may appoint subcommittees and non-Advisory Committee members to serve as resources on such subcommittees as ~~it~~ the Advisory Committee deems necessary for the purpose of undertaking special studies that are supplemental to the duties of the Advisory Committee. Subcommittees may meet with the frequency needed to accomplish the purposes of this section and shall report relevant finding and recommendations to the Advisory Committee as necessary.

H. Members of the Advisory Committee shall not receive a salary for duties performed for the Advisory Committee. Reimbursement for necessary travel expenses incurred in the performance of their official duties as members of the Advisory Committee shall be made in accordance with the provisions of the State Travel Reimbursement Act for nonlegislative members. Legislative members shall be reimbursed as provided by Section 456 of Title 74 of the Oklahoma Statutes.

I. For purposes of determining a quorum for the Advisory Committee, a majority of members serving shall be required.

J. The State Department of Health shall provide staff assistance for the Advisory Committee.

K. In the event a duly appointed member fails to attend two (2) consecutive meetings in a calendar year, the position to which the member has been appointed shall be considered vacant and the appropriate appointing authority, as specified in subsection A of this section, shall make the necessary appointment to fill the vacancy for the unexpired term. A member who is removed from the Advisory Committee pursuant to the provisions of this section may be reappointed.

SECTION 3. AMENDATORY 63 O.S. 2001, Section 1-556, is amended to read as follows:

Section 1-556. A. The Oklahoma Breast and Cervical Cancer Prevention and Treatment Advisory Committee shall ~~review and make recommendations~~ be responsible for evaluating and reporting to the Governor and the State Commissioner of Health regarding contracting for statewide services or issues related to breast cancer. ~~The areas for contract review and recommendation shall include~~ including, but not be limited to:

1. Mammography and pap smear screening of women for breast and cervical cancer as an early detection health care measure, provided by facilities which are accredited by national organizations that

have formed coalitions to issue national cancer screening guidelines;

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

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

4. Annual public education and awareness campaigns to improve the knowledge and health care practices of all Oklahomans 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 and cervical cancer victims; and

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

B. The evaluative efforts of the Advisory Committee with respect to contracts for services specified in subsection A of this section shall ~~contain~~ provide appropriate oversight and requirements that result in:

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

2. Establishment of a fee schedule for breast and cervical cancer screening and diagnosis that complies with accepted Medicare/Medicaid rates and that incorporates a sliding fee payment system to encourage self-responsibility.

C. The Oklahoma Breast and Cervical Cancer Prevention and Treatment Advisory Committee shall report annually to the Governor, the Speaker of the House of Representatives~~—and,~~ the President Pro

Tempore of the Senate, and the State Board of Health by October 1 of each year, activities completed pursuant to the Oklahoma Breast and Cervical Cancer Act during the prior fiscal year, including a report of the funding for related activities. The report shall ~~include an accounting of activities for research and breast cancer screenings for uninsured and underinsured women~~ identify populations at highest risk for breast or cervical cancer, priority strategies, and emerging technologies, including newly introduced therapies and preventive vaccines that are effective in preventing and controlling the risk of breast and cervical cancer, and ~~a recommendation~~ any recommendations for additional funding, if necessary, to provide screenings and treatment for breast and cervical cancer for uninsured and underinsured women. The report shall further recommend strategies or actions to reduce the costs of breast and cervical cancer in the State of Oklahoma.

D. The Advisory Committee shall evaluate the prospective termination or continuation of its ongoing duties on October 1, 2008, or upon submission of the Advisory Committee's final report to the Governor, the State Commissioner of Health, and the 1st Session of the 51st Oklahoma Legislature, whichever occurs earlier. Such evaluation shall be made based on the successful implementation of breast and cervical cancer reduction plans and/or achievement of significant reductions in breast and cervical cancer morbidity and mortality in the state of Oklahoma.

SECTION 4. AMENDATORY 63 O.S. 2001, Section 1-557, is amended to read as follows:

Section 1-557. A. 1. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Breast and Cervical Cancer Act Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the fund and gifts or donations to the fund.

2. All monies donated or accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Health, after consideration of the recommendations from the Oklahoma Breast and Cervical Cancer Prevention and Treatment Advisory Committee, for the purposes specified in and associated with implementation of the Oklahoma Breast and Cervical Cancer Act.

3. Monies from the fund may be transferred to the Breast and Cervical Cancer Prevention and Treatment Account and shall be used to carry out the purposes specified in Section 1-556 of this title.

4. 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.

B. 1. All proposals to expend monies from the Breast Cancer Act Revolving Fund shall have been reviewed by the Oklahoma Breast and Cervical Cancer Prevention and Treatment Advisory Committee, and the Advisory Committee shall advise the Commissioner on the proposed use of monies from the fund.

2. The Advisory Committee shall subject all research projects awarded using monies from the fund to peer review.

C. Monies in the Breast and Cervical Cancer Act Revolving Fund may be expended by the State Department of Health, subject to review by the Oklahoma Breast and Cervical Cancer Prevention and Treatment Advisory Committee, for promotional activities to encourage donations to the Breast and Cervical Cancer Act Revolving Fund by individuals and private businesses or foundations.

~~D. 1. On July 1, 1998, any unallotted balance in the Breast Cancer Act Revolving Fund created in Section 5060.9d of Title 74 of the Oklahoma Statutes shall be transferred to the fund created by this section.~~

~~2. All monies donated for the Breast Cancer Act which have not been allocated to the Breast Cancer Act Revolving Fund created in~~

~~Section 5060.9d of Title 74 of the Oklahoma Statutes before July 1, 1998, shall be allocated to the fund created in this section.~~

~~3. All outstanding obligations and encumbrances of the Breast Cancer Act Revolving Fund created in Section 5060.9d of Title 74 of the Oklahoma Statutes shall be transferred to the fund created by this section on July 1, 1998.~~

SECTION 5. AMENDATORY 63 O.S. 2001, Section 1-558, is amended to read as follows:

Section 1-558. A. The Oklahoma Tax Commission shall include on each state individual income tax return form for tax years beginning after ~~December 31, 2001~~ January 1, 2004, and each state corporate tax return form for tax years beginning after ~~December 31, 2001~~ January 1, 2004, an opportunity for the taxpayer to donate from a tax refund for the benefit of the Oklahoma Breast and Cervical Cancer Act.

B. The monies generated from donations made pursuant to subsection A of this section shall be used by the State Department of Health for the purposes specified in the Oklahoma Breast and Cervical Cancer Act.

C. All monies generated pursuant to subsection A of this section shall be paid to the State Treasurer and placed to the credit of the Breast and Cervical Cancer Act Revolving Fund.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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