

TUESDAY, DECEMBER 22, 2009

Governor Avoids Responsibility for Cutting Every Woman Counts

Instead of spending its time and energy finding ways to save the Every Woman Counts program, Governor Schwarzenegger's administration spins a red herring to deflect attention from his Grinch-like [cuts](#) during the holidays.

As usual, the Administration points blame at the Legislature. In a letter to me, the Department of Public Health (DPH) erroneously claims the Budget Conference Committee, which I chaired, approved its proposal to reduce program eligibility and included it in the 2009-10 Budget. DPH immediately provided its letter to media in my home town of Santa Rosa. The Department's letter and my response are both available [here](#).

The problem is that letter's claim is patently false. So, let's set the record straight.

The Legislature specifically refused granting authority to DPH to take these actions. DPH's proposal to increase the age of eligibility to 50 was never adopted by the Conference Committee and was not included in the 2009-10 Budget. Nor did DPH ever make a proposal to Conference Committee to cut off new enrollment in the program.

During 2008, Every Woman Counts began running a deficit. Several legislators believed DPH had mismanaged the program, so DPH decided not to pursue mid-year legislation to resolve the deficiency. Instead, DPH submitted a request to fund the deficiency in its 2009-10 Finance Letter submitted to the Budget Conference Committee. In the letter, DPH requested an appropriation of \$9.3 million for the mid-year deficiency, as well as legislative authority to make other changes to the program, including increasing the age of enrollment to 50. And, again, cutting off new enrollment as of January 1, 2010 was not mentioned.

As Chair of Conference Committee, I supported the \$9.3 million in deficiency funding to keep the program alive and placed that item on the Committee agenda. However, I did not support the other changes requested by DPH and did not agendaize or act on them. See page 77 of this conference [agenda](#). When DPH tried to raise these changes at the Conference Committee hearing, they were told in no uncertain terms to find another way.

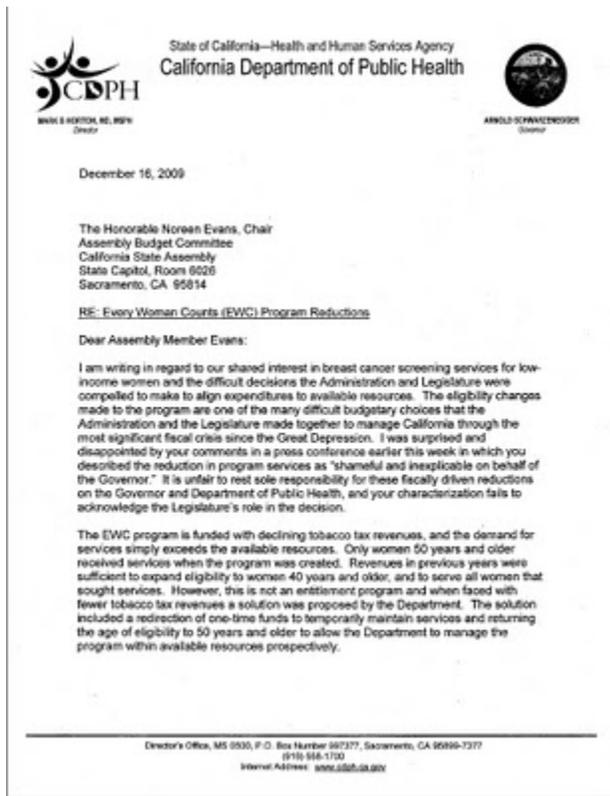
Contrary to the Schwarzenegger Administration's claims, Conference Committee only adopted the \$9.3 million in deficiency funding. The Legislature never considered, voted on or authorized the remaining proposals. Without legislative authorization, DPH made these changes anyway. The Legislature learned of the administration's action by press release on December 2. We held a [press conference](#) in protest.

Please, Governor Schwarzenegger, take responsibility for your administration's actions. If you don't want to make these cuts, then don't make them. But don't try to hide behind the Legislature which refused to authorize your actions. Early in the new year, I plan to hold a budget committee hearing on this issue. Every woman *should* count in this state, regardless of income.

MONDAY, DECEMBER 21, 2009

Back and Forth on Every Woman Counts

Check out this letter exchange that I had with the Schwarzenegger Administration about its cuts to the Every Woman Counts program. For easier reading, please click on each image below.



Honorable Noreen Evans, Chair
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Furthermore, the Department's proposal acknowledged that the program is built upon diminishing resources and noted that additional changes could be necessary in the future. The Administration's proposal was approved by the Budget Conference Committee that you chaired on June 9, 2009, and ultimately included in the revised 2009-10 Budget.

I too am concerned about the impact that this reduction will have on women in need of screening services, and recognize how many lives are touched by cancer.

In many respects, this reduction is emblematic of the personal challenges we all face when attempting to provide leadership during this exceedingly difficult fiscal crisis. Unfortunately, the fiscal outlook remains bleak and we will likely be forced to discuss many more of these types of issues. As the Legislature and Administration work together during the next budget process, please do not hesitate to contact me if I can answer questions or provide information regarding the services provided by the Department.

Sincerely,


Mark B. Horton, MD, MSPH
Director

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California Legislature
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December 18, 2009

Mark Horton, MD, MSPH
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RE: Every Woman Counts

Dear Dr. Horton:

I appreciate receiving your letter dated December 16, 2009 regarding the changes being implemented to the Every Woman Counts program and the Legislature's reaction to these changes.

Your letter suggests I fail to understand the Legislature's responsibility in difficult budget decisions, and specifically those related to this particular program.

The Department of Public Health submitted a 12 page Finance Letter to the Conference Committee on June 1, 2009. The Finance Letter requested several actions, two of which are of concern here: 1) \$9.3 million to address a budgetary deficiency in this program; and 2) Legislative authority to change eligibility requirements for the program on a going-forward basis, including authority to "prioritize breast cancer screening services to women most at risk and [clarify] that CDPH will not averspend appropriated annual budgets."

It is my understanding that the \$9.3 million deficiency resulted from mismanagement of this program by the Department, under your leadership, leading to approval of more clinical claims than the program had funds to actually cover. Many legislators were unwilling to support a separate, stand-alone deficiency bill, which would have been the standard process for addressing a mid-year deficiency. In light of this, the Administration sought to address the deficiency through the budget process, anticipating accurately that I and others in the Budget Committee leadership would be more receptive to meeting the needs of this program.

Indeed, out of great concern for this program and for the population it serves, even in the face of the most extreme budget crisis in many generations, the Budget Conference Committee, which I chaired, placed the Administration's request for a \$9.3 million augmentation on the Conference Committee agenda and approved it.

The Conference Committee did not, however, place your other requests on its agenda. In other words, we chose not to pursue those items at all.

Dr. Mark Horton
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While the Finance Letter included a proposal indicating the Department's intent to prioritize screening services, beginning with increasing the age eligibility for breast cancer screenings, the Conference Committee rejected this proposal and refused to place it on the agenda for hearing. Nor was an enrollment freeze for a full half of the budget year ever mentioned, discussed, proposed or voted on by anyone in the Legislature.

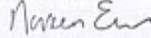
It appears that you are confusing submission of a Finance Letter with action by the Conference Committee. The submission of a Finance Letter does not in any way constitute adoption by the Legislature. In order for the proposals within the Finance Letter to be adopted by the Legislature, the Conference Committee must take an affirmative vote to adopt it into its Conference Committee report and the Legislature must act upon it. This never occurred. If you have some documentation that shows otherwise, I would appreciate it if you would submit it for consideration.

In addition, the Department did make legislative staff aware of the fact that the program had been operating as an entitlement program, despite not having sufficient resources to do so; in response, legislative staff urged the Department to find ways to either control costs in the program or seek additional resources, rather than continuing to outspend the program's budget.

Finally, you state that this program's insufficient funding has resulted from decreasing tobacco tax revenues. This program, as with all tobacco-tax funded programs, was funded at levels agreed upon by the Legislature and Governor. The Legislature depends on information from the Administration on the viability of these programs when making budgetary decisions. Is it your position that your Department sought less funding than was sufficient to maintain the program for this fiscal year? If so, why? And if the funding turned out to be insufficient for unexpected reasons outside of the Department's control, why was the Legislature not notified and given an opportunity to work with you to remediate the deficiency, just like we did last year? The first I heard about this deficiency was by press release issued by the Department earlier this month.

In view of this second year of deficiencies in the Every Woman Counts program, I will be happy to chair a hearing early in the new year in order to give the full budget committee an opportunity to hear a detailed explanation from you and your Department on how this program has developed such a large deficiency, what alternatives exist to closing enrollment, and the financial status of other tobacco tax-funded programs operated by your department. Given your statement that the deficiency resulted from declining tobacco taxes, I am concerned about the viability of all programs funded by this tax and will be seeking further information on that issue as well.

Very truly yours,



NOREEN EVANS
Chair, Assembly Budget Committee

MONDAY, DECEMBER 21, 2009

Does Every Woman Count in California?

Happy Holidays from Governor Schwarzenegger! This month, his administration announced that the 8th largest economy in the world would start the New Year by risking the lives of thousands of low-income women by terminating them from breast cancer screening provided by the [Every Woman Counts](#) program.

The Assembly responded immediately, protesting these reductions with a press conference attended by numerous breast cancer survivors and the [Susan G. Komen Foundation for the Cure](#). In addition, 21 of California's Congressional representatives signed a bipartisan letter to Gov. Schwarzenegger, pleading with him to continue the program.

Breast cancer is the most pervasive and deadly of all cancers affecting women. In California alone, 21,700 women will have been diagnosed with breast cancer this year and more than 4,000 will have lost their battle with the disease. With such destructive power, all of our lives are touched by this disease. My own mother-in-law died from it.

Starting January 1, the Administration will restrict access to a program that provides free mammograms to low income women. Every Woman Counts is jointly run by the State Department of Public Health and the Federal Center for Disease Control and Prevention's National Breast and Cervical Cancer Early Detection Program. It provides clinical breast exams, mammograms, pelvic exams and Pap tests to California's women over the age of 40. More than 1.2 million California women are eligible for the program.

The governor's new guidelines exclude women between the ages of 40 and 49 for mammograms and the enrollment of new women into the program altogether for the remainder of this fiscal year. When [announced](#) on December 2, no explanation was given about why this course of action was necessary or preferred over alternatives.

Breast cancer survival rates are very high when detected early. Unfortunately, women with low incomes who are uninsured or underinsured are more likely to be unable to afford potentially life-saving cancer screenings, which leads to later diagnoses, larger tumors and lower survival rates. That is why programs like Every Woman Counts are so important.

California faces unprecedented budget challenges. We've faced \$60 billion in budget shortfalls and we have another \$20 billion more to resolve next year. But cutting this program would have **NO** general fund savings because it is funded from Proposition 99 tobacco tax revenues.

This sorry episode shows a continuing failure of leadership by our governor. Instead of fighting to protect this basic service that sustains life, the governor's message to the women of California is, "Sorry, you're on your own." He's throwing women off the lifeboat first in 2010. Adding insult to injury, the governor and his administration are running from ownership of this crisis they created. See separate blog post.