FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 379

90TH GENERAL ASSEMBLY

Reported from the Committee on Public Health, April 13, 1999, with recommendation that the House Committee Substitute for Senate Bill No. 379 Do Pass.

ANNE C. WALKER, Chief Clerk

L1703.03C

AN ACT

To repeal sections 192.650, 192.653, 192.655 and 192.657, RSMo 1994, relating to the cancer information reporting system, and to enact in lieu thereof four new sections relating to the same subject.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 192.650, 192.653, 192.655 and 192.657, RSMo 1994, are repealed and four new sections enacted in lieu thereof, to be known as sections 192.650, 192.653, 192.655 and 192.657, to read as follows:

192.650. 1. The department of health shall establish and maintain a cancer information reporting system **[**which shall include a record of hospitalized cancer cases which occur in Missouri along with the information concerning these cases which is deemed necessary and appropriate to conduct comprehensive epidemiologic surveys of cancer and cancer related diseases in this state and to evaluate the appropriateness of preventive and control measures**] to collect data required for the receipt of federal grant funds pursuant to the Cancer Registries Amendment Act of 1992 (42 U.S.C. 280e, et seq), as amended**.

2. The director of the department shall promulgate rules and regulations specifying the malignant neoplasms which shall be reported and **[**any**]** accompanying information to be reported in each case**[**, which may include patient name, address, diagnosis, pathological findings, the stage of the disease, environmental and known occupational factors, method of treatment and relevant data from medical histories such as other incidence of cancer in the patient's family and the patient's known past residencies**]**. **Such rules and regulations shall provide for collection of the following data:**

(1) For inpatient hospital settings, the data items collected by the department of health as of August 28, 1999, and additional data items required to be collected as a condition of federal funding for state cancer registries pursuant to the Cancer Registries Amendment Act of 1992 (42 U.S.C. 280e, et seq), as amended; and

(2) For outpatient hospital settings, physician offices, pathology laboratories, ambulatory surgical centers, residential care facilities I and II, intermediate care facilities, skilled nursing facilities, and free-standing cancer clinics and treatment centers, the data items required to be collected as a condition of federal funding for state cancer registries

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

pursuant to the Cancer Registries Amendment Act of 1992 (42 U.S.C. 280e, et seq), as amended. Reports of malignant neoplasms, exclusive of nonmelanomatous cutaneous malignancies, shall be filed with the director within **[**four**]** **six** months of the diagnosis or treatment. The department director shall prescribe the form and manner in which the information shall be reported.

192.653. 1. The **[**chief administrative officer of every hospital in Missouri**]** **administrator or designated representative of hospitals, pathology laboratories, physician offices, ambulatory surgical centers, residential care facilities I or II, intermediate care facilities or skilled nursing facilities, and free-standing cancer clinics and treatment centers** shall report to the department of health every **[**hospitalized**]** case of malignant neoplasm **[**which is required by the director of the department to be reported, along with the information**]** **as** required pursuant to section 192.650.

2. The attending physician **[**of any patient with the malignant neoplasm, who is in a hospital,**]** **or other health care provider responsible for a patient's diagnosis or treatment for a malignant neoplasm** shall provide, in writing, to the **[**chief administrative officer**]** **administrator or the administrator's designated representative**, the information required pursuant to section 192.650.

3. Reports filed with the director may be submitted through a data system designated by the person or organization filing the report.

4. If a facility described in subsection 1 of this section is currently submitting reports of cases to the department of health through a centralized reporting system, duplicate reporting shall not be required.

192.655. 1. The department of health shall protect the identity of the patient, physician **[**and hospital**]**, **health care provider, hospital, pathology laboratory, ambulatory surgical center, residential care facilities I or II, intermediate care facilities or skilled nursing facilities, and free-standing cancer clinic or treatment center** which is involved in the reporting required by section 192.653, and such identity shall not be revealed except that the identity of the patient may be released only upon written consent of the patient, the identity of the physician **or health care provider** may be released only upon written consent of the physician **or health care provider**, and the identity of the hospital**, pathology laboratory, ambulatory surgical center, residential care facilities I or II, intermediate care facilities or skilled nursing facilities, or free-standing cancer clinic or treatment center** may be released only upon written consent of the **[**hospital**]** **facility**.

2. The department shall request consent for release from a patient, physician **[**or hospital**]**, **health care provider, hospital, pathology laboratory, ambulatory surgical center, residential care facilities I or II, intermediate care facilities or skilled nursing facilities, or free-standing cancer clinic or treatment center** only upon a showing by the applicant for such release that obtaining the identities of certain patients, physicians **[**or hospitals**]**, **health care providers, hospitals, pathology laboratories, ambulatory surgical centers, residential care facilities I or II, intermediate care facilities or skilled nursing facilities, or free-standing cancer clinics or treatment centers** is necessary for his **or her** cancer research and that his **or her** cancer research is worthwhile.

3. The department shall use or publish reports based upon materials reported **[**under**]** **pursuant to** sections 192.650 to 192.657 to advance research, education and treatment. The department shall provide qualified researchers with data from the reported information upon the

researcher's compliance with appropriate conditions as provided by rule and upon payment of a fee to cover the cost of processing the data.

4. The department may enter into an exchange of data agreement with other cancer registries maintained by federal, state or local governmental entities. The provisions of subsection 1 of this section shall not apply to such an agreement if the agreement provides that the federal, state or local governmental cancer registry shall protect the identity of the patient, physician **[**and hospital**], health care provider, hospital, pathology laboratory, ambulatory surgical center, residential care facilities I or II, intermediate care facilities or skilled nursing facilities, and free-standing cancer clinic or treatment center** in all data received from the Missouri department of health.

192.657. 1. No individual or organization providing information **[**to the division**] or access to information** in accordance with sections 192.650 to 192.657 shall be deemed to be or be held liable, either civilly or criminally, for divulging **or permitting access to** confidential information unless such individual or organization acted in bad faith or with malicious purpose.

2. Nothing in sections 192.650 to 192.657 shall be construed to compel any individual to submit to medical or health department examination, treatment or supervision of any kind.

3. Violation of any provisions of sections 192.650 to 192.657 shall be an infraction.