

FIRST REGULAR SESSION

SENATE BILL NO. 379

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BANKS.

Read 1st time February 1, 1999, and 1,000 copies ordered printed.

S1703.011

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 192.650, 192.653 and 192.655, RSMo 1994, relating to a cancer information reporting system, and to enact in lieu thereof three 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Section A. Sections 192.650, 192.653 and 192.655, RSMo 1994, are repealed and three new sections enacted in lieu thereof, to be known as sections 192.650, 192.653 and 192.655, to read as follows: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] **all** cancer cases **diagnosed or treated in hospitals as an inpatient or outpatient, pathology laboratories, physician's offices, ambulatory surgical centers and free-standing cancer clinics and treatment centers** 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.

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] **residence at diagnosis**. Reports of malignant neoplasms,

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

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] **The administrator or designated representative of hospitals, pathology laboratories, physician's offices, ambulatory surgical centers 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 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 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.

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, 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, 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, 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, free-standing cancer clinics or treatment centers** is necessary for his cancer research and that his cancer research is worthwhile.

3. The department shall use or publish reports based upon materials reported under 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, free-standing cancer clinic or treatment center** in all data received from the Missouri department of health.

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