

SB 1611

1 THE STATE SENATE
2 Tuesday, February 26, 2002

3 Senate Bill No. 1611
4 As Amended

5 SENATE BILL NO. 1611 - By: MONSON of the Senate and MORGAN of the
6 House.

7 [public health and safety - tumor registry -
8 effective date]

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

10 SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-551.1, is
11 amended to read as follows:

12 Section 1-551.1 A. The State Commissioner of Health shall
13 establish and maintain an up-to-date tumor registry to ensure an
14 accurate and continuing source of data concerning such cancerous,
15 precancerous and tumorous diseases as the State Board of Health may
16 by rule specify. Such registry may include data necessary for
17 epidemiological surveys and scientific research, and other data
18 which is necessary and proper to further the recognition,
19 prevention, control, treatment and cure of cancer, precancerous and
20 tumorous diseases.

21 B. The Commissioner, pursuant to rules of the State Board of
22 Health, may require any hospital, clinic, laboratory, pathologist,
23 physician or dentist, or any facility providing diagnostic or
24 treatment services, to report any or all data and information

1 necessary for the purposes of this act which may include the
2 following:

3 1. Patient name, address, age, race, sex, social security
4 number and hospital identifier or other identifier;

5 2. Patient's residential, family, environmental, occupational
6 and medical histories; and

7 3. Physician's name, diagnosis, stage of the disease, method of
8 treatment and the name and address of any facility providing
9 treatment.

10 C. The Commissioner shall protect the identity of the patient
11 and physician involved in any report required by this act, and may
12 not release their identity without written consent, except that:

13 1. The Commissioner may grant any person involved in a
14 legitimate research activity access to confidential information
15 obtained by the Department concerning individual patients if:

16 a. the research activity is determined to be in the
17 interest of the public health and welfare,

18 b. the person conducting the research provides written
19 information about the purpose of the research project,
20 the nature of the data to be collected and how the
21 researcher intends to analyze it, the records the
22 researcher wishes to review, and the safeguards the
23 researcher will take to protect the identity of the

1 patients whose records the researcher will be
2 reviewing, ~~and~~
3 c. the proposed safeguards are adequate to protect the
4 identity of each patient whose records will be
5 reviewed,
6 d. the patient authorizes release of the information, and
7 e. an agreement is executed between the Commissioner ~~of~~
8 ~~Health~~ and the researcher that specifies the
9 researcher's use of the records and that prohibits the
10 publication or release of the names of individual
11 cancer patients or any facts tending to lead to the
12 identification of individual cancer patients;

13 2. Researchers may, with the approval of the Commissioner, use
14 the names of individual patients when requesting additional
15 information for research purposes or soliciting an individual
16 patient's participation in a research project. However, if a
17 researcher requests additional information or an individual
18 patient's participation in a research project, the researcher must
19 first obtain the written consent of the patient's attending
20 physician. If the consent of the patient's attending physician is
21 obtained, the researcher must then obtain the individual cancer
22 patient's written consent by having the patient complete a release
23 of confidential medical information form;

1 3. Data on patients may be shared with other registries,
2 private or governmental, within or without the state, provided that
3 a reciprocal data sharing agreement, approved by the Commissioner,
4 is implemented with that registry. Such agreements must include
5 patient identification confidentiality requirements; and

6 4. Provided further, that any confidential information
7 released by the Commissioner under this act shall be deemed to be a
8 confidential communication within the meaning of the
9 physician-patient and the psychotherapist-patient privilege.

10 D. Nothing in this act shall be construed to compel any
11 individual to submit to any medical examination, treatment or
12 supervision of any kind; nor shall anyone providing information in
13 accordance with this act be deemed to be, or held liable for,
14 divulging confidential information. An individual shall have the
15 right to deny registration on religious grounds.

16 E. The State Board of Health is empowered to adopt reasonable
17 ~~regulations~~ rules to carry out the provisions of this act.

18 F. Any person who, in violation of a written agreement to
19 maintain confidentiality, willfully discloses any information
20 provided pursuant to this section shall be denied further access to
21 any confidential information maintained by the Department. That
22 person shall also be deemed guilty of a misdemeanor, and upon
23 conviction thereof shall be punished by a fine of Two Hundred

1 Dollars (\$200.00) or imprisonment in the county jail for not more
2 than thirty (30) days, or by both such fine and imprisonment.

3 SECTION 2. This act shall become effective November 1, 2002.

4 COMMITTEE REPORT BY: COMMITTEE ON HUMAN RESOURCES, dated 2-21-02 -
5 DO PASS, As Amended and Coauthored.