

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 853

By: Treat of the Senate

and

Moore of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to public health; amending 63 O.S.
12 2011, Section 1-551.1, which relates to tumor
13 registry; permitting the State Commissioner of Health
14 to require facilities providing cancer treatment
15 services to report certain data; providing for
16 exception; and providing an effective date.

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

17 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-551.1, is
18 amended to read as follows:

19 Section 1-551.1 A. The State Commissioner of Health shall
20 establish and maintain an up-to-date tumor registry to ensure an
21 accurate and continuing source of data concerning such cancerous,
22 precancerous and tumorous diseases as the State Board of Health may
23 by rule specify. Such registry may include data necessary for
24 epidemiological surveys and scientific research, and other data

1 which is necessary and proper to further the recognition,
2 prevention, control, treatment and cure of cancer, precancerous and
3 tumorous diseases.

4 B. The Commissioner, pursuant to rules of the State Board of
5 Health, may require any hospital, clinic, laboratory, pathologist,
6 physician or dentist, or any facility ~~providing~~ which provides
7 diagnostic or treatment services for cancerous diseases and
8 precancerous conditions, to report any or all data and information
9 necessary for the purposes of this act which may include the
10 following:

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

13 2. Patient's residential, family, environmental, occupational
14 and medical histories; and

15 3. Physician's name, diagnosis, stage of the disease, method of
16 treatment and the name and address of any facility providing
17 treatment.

18 C. The provisions of subsection B of this section shall not
19 apply to ambulatory service centers, as defined by Section 2657 of
20 this title, upon submission of a signed affidavit that the
21 ambulatory service center utilizes a sole source pathology
22 laboratory to report any or all data and information necessary for
23 the purposes of this act.

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1 D. The Commissioner shall protect the identity of the patient
2 and physician involved in any report required by this act, and may
3 not release their identity without written consent, except that:

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

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

9 b. the person conducting the research provides written
10 information about the purpose of the research project,
11 the nature of the data to be collected and how the
12 researcher intends to analyze it, the records the
13 researcher wishes to review, and the safeguards the
14 researcher will take to protect the identity of the
15 patients whose records the researcher will be
16 reviewing,

17 c. the proposed safeguards are adequate to protect the
18 identity of each patient whose records will be
19 reviewed, and

20 d. an agreement is executed between the Commissioner of
21 Health and the researcher that specifies the
22 researcher's use of the records and that prohibits the
23 publication or release of the names of individual
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1 cancer patients or any facts tending to lead to the
2 identification of individual cancer patients;

3 2. Researchers may, with the approval of the Commissioner, use
4 the names of individual patients when requesting additional
5 information for research purposes or soliciting an individual
6 patient's participation in a research project. However, if a
7 researcher requests additional information or an individual
8 patient's participation in a research project, the researcher must
9 first obtain the written consent of the patient's attending
10 physician. If the consent of the patient's attending physician is
11 obtained, the researcher must then obtain the individual cancer
12 patient's written consent by having the patient complete a release
13 of confidential medical information form;

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

19 4. Provided further, that any confidential information released
20 by the Commissioner under this act shall be deemed to be a
21 confidential communication within the meaning of the physician-
22 patient and the psychotherapist-patient privilege.

23 ~~D.~~ E. Nothing in this act shall be construed to compel any
24 individual to submit to any medical examination, treatment or

1 supervision of any kind; nor shall anyone providing information in
2 accordance with this act be deemed to be, or held liable for,
3 divulging confidential information. An individual shall have the
4 right to deny registration on religious grounds.

5 ~~E.~~ F. The State Board of Health is empowered to adopt
6 reasonable regulations to carry out the provisions of this act.

7 ~~F.~~ G. Any person who, in violation of a written agreement to
8 maintain confidentiality, willfully discloses any information
9 provided pursuant to this section shall be denied further access to
10 any confidential information maintained by the Department. That
11 person shall also be deemed guilty of a misdemeanor, and upon
12 conviction thereof shall be punished by a fine of Two Hundred
13 Dollars (\$200.00) or imprisonment in the county jail for not more
14 than thirty (30) days, or by both such fine and imprisonment.

15 SECTION 2. This act shall become effective November 1, 2013.
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17 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 03/28/2013 -
18 DO PASS, As Amended.
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