

SENATE FLOOR VERSION

February 24, 2014

SENATE BILL NO. 1853

By: Treat of the Senate

and

Moore of the House

An Act relating to ambulatory surgical centers; amending 63 O.S. 2011, Section 1-551.1, as amended by Section 1, Chapter 235, O.S.L. 2013 (63 O.S. Supp. 2013, Section 1-551.1), which relates to tumor registry; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-551.1, as amended by Section 1, Chapter 235, O.S.L. 2013 (63 O.S. Supp. 2013, Section 1-551.1), is amended to read as follows:

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

1 prevention, control, treatment and cure of cancer, precancerous and
2 tumorous diseases.

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

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

11 2. Patient's residential, family, environmental, occupational
12 and medical histories; and

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

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

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

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

- 4 a. the research activity is determined to be in the
5 interest of the public health and welfare,
- 6 b. the person conducting the research provides written
7 information about the purpose of the research project,
8 the nature of the data to be collected and how the
9 researcher intends to analyze it, the records the
10 researcher wishes to review, and the safeguards the
11 researcher will take to protect the identity of the
12 patients whose records the researcher will be
13 reviewing,
- 14 c. the proposed safeguards are adequate to protect the
15 identity of each patient whose records will be
16 reviewed, and
- 17 d. an agreement is executed between the Commissioner of
18 Health and the researcher that specifies the
19 researcher's use of the records and that prohibits the
20 publication or release of the names of individual
21 cancer patients or any facts tending to lead to the
22 identification of individual cancer patients;

23 2. Researchers may, with the approval of the Commissioner, use
24 the names of individual patients when requesting additional

1 information for research purposes or soliciting an individual
2 patient's participation in a research project. However, if a
3 researcher requests additional information or an individual
4 patient's participation in a research project, the researcher must
5 first obtain the written consent of the patient's attending
6 physician. If the consent of the patient's attending physician is
7 obtained, the researcher must then obtain the individual cancer
8 patient's written consent by having the patient complete a release
9 of confidential medical information form;

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

15 4. Provided further, that any confidential information released
16 by the Commissioner under this act shall be deemed to be a
17 confidential communication within the meaning of the physician-
18 patient and the psychotherapist-patient privilege.

19 E. Nothing in this act shall be construed to compel any
20 individual to submit to any medical examination, treatment or
21 supervision of any kind; nor shall anyone providing information in
22 accordance with this act be deemed to be, or held liable for,
23 divulging confidential information. An individual shall have the
24 right to deny registration on religious grounds.

1 F. The State Board of Health is empowered to adopt reasonable
2 regulations to carry out the provisions of this act.

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

11 SECTION 2. This act shall become effective November 1, 2014.

12 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
13 February 24, 2014 - DO PASS
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