

**FLOOR AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2843  
Page 1 Section 1 Lines 13-20  
Of the printed Bill  
Of the Engrossed Bill

By deleting Section 1 from the bill and inserting in lieu thereof a new  
Section 1 to read as follows:

SEE ATTACHED

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Matt Meredith

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 "SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-551.1, as  
2 last amended by Section 1, Chapter 235, O.S.L. 2014 (63 O.S. Supp.  
3 2017, Section 1-551.1), is amended to read as follows:

4 Section 1-551.1 A. The State Commissioner of Health shall  
5 establish and maintain an up-to-date tumor registry to ensure an  
6 accurate and continuing source of data concerning such cancerous,  
7 precancerous and tumorous diseases as the State Board of Health may  
8 by rule specify. Such registry may include data necessary for  
9 epidemiological surveys and scientific research, and other data  
10 which is necessary and proper to further the recognition,  
11 prevention, control, treatment and cure of cancer, precancerous and  
12 tumorous diseases.

13 B. The Commissioner, pursuant to rules of the State Board of  
14 Health, ~~may~~ shall require any hospital, clinic, laboratory,  
15 pathologist, physician or dentist, or any facility which provides  
16 diagnostic or treatment services for cancerous diseases and  
17 precancerous conditions, to report any or all data and information  
18 necessary for the purposes of this act which may include the  
19 following:

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

22 2. Patient's residential, family, environmental, occupational  
23 and medical histories; and  
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1        3. Physician's name, diagnosis, stage of the disease, method of  
2 treatment and the name and address of any facility providing  
3 treatment.

4        C. The provisions of subsection B of this section shall not  
5 apply to ambulatory surgical centers, as defined by Section 2657 of  
6 this title, upon submission of a signed affidavit that the  
7 ambulatory surgical center utilizes a sole source pathology  
8 laboratory to report any or all data and information necessary for  
9 the purposes of this act.

10       D. 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  
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1 patients whose records the researcher will be  
2 reviewing,

3 c. the proposed safeguards are adequate to protect the  
4 identity of each patient whose records will be  
5 reviewed, and

6 d. an agreement is executed between the Commissioner of  
7 Health and the researcher that specifies the  
8 researcher's use of the records and that prohibits the  
9 publication or release of the names of individual  
10 cancer patients or any facts tending to lead to the  
11 identification of individual cancer patients;

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

23 3. Data on patients may be shared with other registries,  
24 private or governmental, within or without the state, provided that

1 a reciprocal data sharing agreement, approved by the Commissioner,  
2 is implemented with that registry. Such agreements must include  
3 patient identification confidentiality requirements; and

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

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

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

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