

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 ENGROSSED SENATE
5 BILL NO. 344

By: Garvin of the Senate

and

McEntire of the House

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9 An Act relating to cancer; amending 63 O.S. 2011,
10 Section 1-551.1, as last amended by Section 1,
11 Chapter 99, O.S.L. 2018 (63 O.S. Supp. 2020, Section
12 1-551.1), which relates to tumor registry; modifying
13 applicability of section; updating language; and
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-551.1, as
17 last amended by Section 1, Chapter 99, O.S.L. 2018 (63 O.S. Supp.
18 2020, Section 1-551.1), is 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
 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,~~ shall 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~~ section 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 surgical centers, as defined by Section 2657 of
18 this title, ~~upon:~~

19 1. Upon submission of a signed affidavit that the ambulatory
20 surgical center utilizes a sole source pathology laboratory to
21 report any or all data and information necessary for the purposes of
22 this ~~act~~ section; or

23 2. That are not certified by the Centers for Medicare and
24 Medicaid Services.

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

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

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

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~~ section shall be deemed to be a
21 confidential communication within the meaning of the physician-
22 patient and the psychotherapist-patient privilege.

23 E. Nothing in this ~~act~~ section 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~~ section be deemed to be, or held liable
3 for, divulging confidential information. An individual shall have
4 the right to deny registration on religious grounds.

5 F. The ~~State Board of Health is empowered to adopt reasonable~~
6 ~~regulations~~ Commissioner may promulgate rules to carry out the
7 provisions of this ~~act~~ section.

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

16 SECTION 2. This act shall become effective November 1, 2021.
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18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/07/2021 -
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