

LEGISLATIVE BILL 212

Approved by the Governor April 20, 1982

Introduced by V. Johnson, 8

AN ACT relating to public health and welfare; to provide for a cancer registry with the Department of Health; to define terms; to provide duties for the Department of Health; to limit the use of information contained within the cancer registry; to create a fund; and to provide an operative date.

Be it enacted by the people of the State of Nebraska,

Section 1. It is the intent of the Legislature to require the establishment and maintenance of a cancer registry for the State of Nebraska. This responsibility is delegated to the Department of Health along with the authority to exercise the necessary powers to implement sections 1 to 9 of this act. To insure an accurate and continuing source of data concerning cancer, all hospitals within the state shall make available to the Department of Health upon its request, at least once a year, information contained in the medical records of patients who have cancer within such time following its diagnosis as the department shall require. Any medical doctor, osteopath, or dentist within the state may make such information available to the department upon request by the department. This cancer registry should provide a central data bank of accurate, precise, and current information which medical authorities state will assist in the research for the prevention, cure, and control of cancer.

Sec. 2. As used in sections 1 to 9 of this act, unless the context otherwise requires:

(1) Cancer registry shall mean the system of reporting established by sections 1 to 9 of this act in which the cases of cancer in this state are reported and recorded in order to achieve the goals of prevention, cure, and control of cancer through research and education;

(2) Department shall mean the Department of Health; and

(3) Cancer shall mean: (a) A large group of diseases characterized by an uncontrolled growth and spread of abnormal cells; (b) any condition of tumors having the properties of anaplasia, invasion, and

metastasis; (c) a cellular tumor the natural course of which is fatal; and (d) malignant neoplasm. Cancer shall be deemed to include, but not be limited to, carcinoma, sarcoma, melanoma, lymphoma, Hodgkin's disease, and myeloma, but shall not include precancerous conditions, benign polyps, or benign tumors.

Sec. 3. The department shall establish and maintain a registry that includes a record of the cases of cancer that occur within the state and such information concerning these cases which the department determines necessary and appropriate for the prevention, cure, and control of cancer.

Sec. 4. In order to implement the intent and purposes of sections 1 to 9 of this act, the department shall:

(1) Adopt necessary rules and regulations, including rules and regulations for the frequency and form of information submitted;

(2) Execute contracts that the department considers necessary;

(3) Receive and record the data obtained from the medical records of persons having cancer;

(4) Compile and publish a statistical report annually or at reasonable intervals containing information obtained from patient data pursuant to sections 1 to 9 of this act in order to provide accessible information useful to physicians, medical personnel, and the public;

(5) Comply with all necessary requirements in order to obtain funds or grants; and

(6) Consult with medical professionals and hospital tumor registry and medical records representatives in formulating the plans and policies of the cancer registry program.

Sec. 5. (1) On the request of the department or its authorized representative, each hospital within the state shall, and each medical doctor, osteopath, or dentist within the state may produce and make available to the department or its authorized representative, in a manner prescribed by the department, data which the department determines is necessary and appropriate from each medical record of cancer under the hospital's, doctor's, osteopath's, or dentist's custody or control.

(2) Each hospital within the state shall make available to the department or its authorized representative on presentation of proper identification of the department's representative, medical records which document the diagnosis and treatment of cancer on the premises of the hospital, office, or clinic during normal working hours, for the purpose of recording specific data about a patient's cancer.

(3) The data produced pursuant to subsection (1) of this section shall include, but not be limited to the:

(a) Patient's name, address, and available social security number;

(b) Patient's hospital accession number;

(c) Patient's birthdate, race, and sex;

(d) Date of diagnosis;

(e) Primary site of cancer;

(f) Stage of the disease, including in situ, localized, regional, distant, or metastasis;

(g) Basis of staging, including clinical diagnostic, surgical evaluative, post surgical treatment pathological, or retreatment; and

(h) Diagnostic confirmation.

Sec. 6. All data obtained directly from medical records of individual patients is for the confidential use of the department and the private or public persons or entities that the department determines may view such records in order to carry out the intent of sections 1 to 9 of this act. Such information shall be privileged and shall not otherwise be divulged or made public so as to disclose the identity of an individual whose medical records have been used for acquiring data. Statistical information collected pursuant to sections 1 to 9 of this act shall be open and accessible to the public and such statistical information shall not be considered medical records pursuant to section 84-712.05.

Sec. 7. No hospital, medical doctor, osteopath, or dentist, nor any administrator, officer, or employee of such hospital or office in which any such professional practices takes place who is in compliance with sections 1 to 9 of this act, shall be civilly or criminally liable for divulging the information required pursuant to sections 1 to 9 of this act.

Sec. 8. Sections 1 to 9 of this act shall not be deemed to compel any individual to submit to any medical examination or supervision by the department or any of its authorized representatives. No patient nor patient's family shall be contacted by the department or its authorized representative for information pursuant to sections 1 to 9 of this act until the department obtains the permission of such patient's private physician.

Sec. 9. The department shall annually report to the Legislature's Public Health and Welfare Committee with the documentation on the operation and performance of the cancer registry program established pursuant to sections 1 to 9 of this act.

Sec. 10. Beginning July 1, 1983, the revenue derived from one cent of the cigarette tax imposed by sections 77-2602 and 77-2616 shall be placed in the Cancer Research and Registry Fund, which fund is hereby created. Such fund shall be used for funding (1) sections 81-637 to 81-640, (2) the University of Nebraska Nebraska Eppley Institute for Research in Cancer and Allied Diseases, (3) sections 1 to 9 of this act, and (4) for associated administrative expenses of the Department of Health. Any money in such fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 11. The provisions of sections 1 to 9 of this act shall become operative on July 1, 1983, except that necessary actions preparatory to their implementation may be taken prior to such date.

LEGISLATIVE BILL 212A

Approved by the Governor April 20, 1982

Introduced by V. Johnson, 8

AN ACT to appropriate funds to aid in carrying out the provisions of Legislative Bill 212, Eighty-seventh Legislature, First Session, 1981.

Be it enacted by the people of the State of Nebraska,

Section 1. There is hereby appropriated seventy-two thousand dollars from the Cancer Research and Registry Fund for the period July 1, 1983, to June 30, 1984, to the Department of Health, for Program No. 622, to aid in carrying out the provisions of Legislative Bill 212, Eighty-seventh Legislature, First Session, 1981. Total expenditures for permanent and temporary salaries and per diem from funds appropriated in this section shall not exceed forty thousand dollars for the period July 1, 1983, to June 30, 1984.