

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 344

By: McCortney

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5
6 AS INTRODUCED

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

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

14 SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-551.1, as
15 last amended by Section 1, Chapter 99, O.S.L. 2018 (63 O.S. Supp.
16 2020, Section 1-551.1), is amended to read as follows:

17 Section 1-551.1. A. The State Commissioner of Health shall
18 establish and maintain an up-to-date tumor registry to ensure an
19 accurate and continuing source of data concerning ~~such~~ cancerous,
20 precancerous and tumorous diseases ~~as the State Board of Health may~~
21 ~~by rule specify~~. Such registry may include data necessary for
22 epidemiological surveys and scientific research, and other data
23 which is necessary and proper to further the recognition,
24 prevention, control, treatment and cure of cancer, precancerous and
25 tumorous diseases.

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

7 1. Patient name, address, age, race, sex, Social Security
8 number and hospital identifier or other identifier;

9 2. Patient's residential, family, environmental, occupational
10 and medical histories; and

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

14 C. The provisions of subsection B of this section shall not
15 apply to ambulatory surgical centers, as defined by Section 2657 of
16 this title, ~~upon~~ :

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

21 2. That are not certified by the Centers for Medicare and
22 Medicaid Services.

23 D. The Commissioner shall protect the identity of the patient
24 and physician involved in any report required by this ~~act~~ section,

1 and may not release their identity without written consent, except
2 that:

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

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

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

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

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

21 E. Nothing in this ~~act~~ section shall be construed to compel any
22 individual to submit to any medical examination, treatment or
23 supervision of any kind; nor shall anyone providing information in
24 accordance with this ~~act~~ section be deemed to be, or held liable

1 for, divulging confidential information. An individual shall have
2 the right to deny registration on religious grounds.

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

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

14 SECTION 2. This act shall become effective November 1, 2021.

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