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CHAPTER 251

1 AN ACT concerning

2 **Maryland ~~Tumor~~ Cancer Registry for ~~Cranial and~~ - Reporting of Central**
3 **Nervous System Tumors**

4 FOR the purpose of ~~establishing a certain tumor registry; specifying the purpose of~~
5 ~~the registry; providing for the administration of the registry; establishing~~
6 ~~certain reporting requirements; specifying that the Community Public Health~~
7 ~~Administration shall administer the registry; providing that the registry shall~~
8 ~~be part of a certain computerized data system; specifying certain duties of the~~
9 ~~Secretary of Health and Mental Hygiene concerning the registry; authorizing~~
10 ~~the Secretary to employ certain personnel subject to budget restrictions;~~
11 ~~requiring the Secretary to charge certain fees for certain data; authorizing the~~
12 ~~Secretary to enter into certain collaborative agreements; providing~~
13 ~~confidentiality for certain individuals; authorizing the release of certain~~
14 ~~information under certain circumstances; providing a certain immunity;~~
15 ~~providing a penalty for a violation of this Act; requiring the Secretary to adopt~~
16 ~~certain regulations~~ requiring the reporting of certain central nervous system
17 tumors to the Maryland Cancer Registry; adding certain central nervous system
18 tumors to the diagnoses required to be reported in a cancer report; requiring
19 certain health care providers to submit a cancer report for certain central
20 nervous system tumors; including reports of certain central nervous system
21 tumors in a certain quarterly report; adding certain central nervous system
22 tumors to the diagnosis that may be reviewed in certain medical records;
23 defining a certain term; and generally relating to ~~a tumor registry for cranial~~
24 ~~and reporting primary~~ central nervous system tumors to the Maryland Cancer
25 Registry.

1 BY ~~adding to repealing and reenacting, with amendments,~~
2 Article - Health - General
3 ~~Section 13-1601 through 13-1607, inclusive, to be under the new subtitle~~
4 ~~"Subtitle 16. Maryland Tumor Registry for Cranial and Central Nervous~~
5 ~~System Tumors"~~
6 ~~Section 18-204~~
7 ~~Annotated Code of Maryland~~
8 ~~(2000 Replacement Volume)~~

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article - Health - General**

12 ~~SUBTITLE 16. MARYLAND TUMOR REGISTRY FOR CRANIAL AND CENTRAL NERVOUS~~
13 ~~SYSTEM TUMORS.~~

14 ~~13-1601.~~

15 ~~IN THIS SUBTITLE, "REGISTRY" MEANS THE MARYLAND TUMOR REGISTRY FOR~~
16 ~~CRANIAL AND CENTRAL NERVOUS SYSTEM TUMORS.~~

17 ~~13-1602.~~

18 ~~THERE IS A MARYLAND TUMOR REGISTRY FOR CRANIAL AND CENTRAL~~
19 ~~NERVOUS SYSTEM TUMORS IN THE DEPARTMENT FOR THE PURPOSE OF PROVIDING:~~

20 ~~(1) ACCURATE AND UP-TO-DATE INFORMATION RELATING TO THE~~
21 ~~INCIDENCE, DIAGNOSIS, AND TREATMENT OF BENIGN AND MALIGNANT CRANIAL~~
22 ~~AND CENTRAL NERVOUS SYSTEM TUMORS; AND~~

23 ~~(2) INFORMATION THAT WILL REDUCE THE MORBIDITY AND MORTALITY~~
24 ~~RATES ASSOCIATED WITH CRANIAL AND CENTRAL NERVOUS SYSTEM TUMORS.~~

25 ~~13-1603.~~

26 ~~THE REGISTRY SHALL RECEIVE, COMPILE, ANALYZE, AND MAKE AVAILABLE~~
27 ~~EPIDEMIOLOGICAL AND AGGREGATE CLINICAL CASE INFORMATION COLLECTED~~
28 ~~FROM ALL HEALTH CARE PROVIDERS AND ALL HEALTH CARE FACILITIES IN THE~~
29 ~~STATE THAT DIAGNOSE OR TREAT CRANIAL OR CENTRAL NERVOUS SYSTEM TUMORS.~~
30 ~~13-1604.~~

31 ~~(A) THE REGISTRY SHALL:~~

32 ~~(1) BE ADMINISTERED BY THE COMMUNITY HEALTH ADMINISTRATION~~
33 ~~IN THE DEPARTMENT;~~

1 (2) ~~BE PART OF THE COMPUTERIZED DATA SYSTEM UTILIZED BY THE~~
2 ~~MARYLAND CANCER REGISTRY; AND~~

3 (3) ~~COLLECT STATEWIDE DATA ON EACH BENIGN OR MALIGNANT~~
4 ~~PRIMARY CRANIAL AND CENTRAL NERVOUS SYSTEM TUMOR.~~

5 (B) ~~ALL CASES OF CONFIRMED BENIGN OR MALIGNANT CRANIAL OR CENTRAL~~
6 ~~NERVOUS SYSTEM TUMORS SHALL BE REPORTED TO THE REGISTRY.~~

7 ~~13-1605.~~

8 (A) ~~TO ACCOMPLISH THE PURPOSES OF THIS SUBTITLE, THE SECRETARY~~
9 ~~SHALL:~~

10 (1) ~~ESTABLISH A UNIFORM STATEWIDE REPORTING SYSTEM;~~

11 (2) ~~DETERMINE THE SPECIFIC DATA TO REPORTED; AND~~

12 (3) ~~DETERMINE THE DEADLINE FOR REPORTING DATA.~~

13 (B) ~~SUBJECT TO THE BUDGET, THE SECRETARY MAY EMPLOY:~~

14 (1) ~~A DIRECTOR OF THE REGISTRY; AND~~

15 (2) ~~ANY OTHER STAFF SUFFICIENT TO CARRY OUT THE PURPOSE OF~~
16 ~~THIS SUBTITLE.~~

17 (C) (1) ~~THE SECRETARY SHALL CHARGE A FEE WHEN DATA IS REQUESTED~~
18 ~~FROM THE REGISTRY.~~

19 (2) ~~FEES ARE TO BE BASED ON THE ACTUAL COST OF PRODUCING THE~~
20 ~~DATA.~~

21 (D) ~~THE SECRETARY MAY ENTER INTO COLLABORATIVE AGREEMENTS WITH~~
22 ~~OTHER STATE REGISTRIES OR FEDERAL AGENCIES TO:~~

23 (1) ~~OBTAIN COMPLETE INFORMATION ON MARYLAND RESIDENTS WHO~~
24 ~~ARE DIAGNOSED OR TREATED IN OTHER STATES; AND~~

25 (2) ~~PARTICIPATE IN A PROGRAM WITH ANOTHER STATE OR A FEDERAL~~
26 ~~AGENCY FOR TREATMENT AND PREVENTION OF CRANIAL OR CENTRAL NERVOUS~~
27 ~~SYSTEM TUMORS.~~

28 ~~13-1606.~~

29 (A) ~~INFORMATION IN THE REGISTRY THAT COULD IDENTIFY A PATIENT~~
30 ~~SHALL BE KEPT STRICTLY CONFIDENTIAL.~~

31 (B) ~~AN ANALYSIS, RESEARCH STUDY, REPORT, OR COMPILATION OF DATA~~
32 ~~BASED ON INFORMATION IN THE REGISTRY MAY NOT DISCLOSE THE IDENTITY OF~~
33 ~~ANY INDIVIDUAL WITH A TUMOR.~~

~~1 (C) CONFIDENTIAL INFORMATION MAY BE RELEASED BY THE DEPARTMENT
2 ONLY:~~

~~3 (1) UPON THE WRITTEN REQUEST OF THE INDIVIDUAL PATIENT WHO IS
4 THE SUBJECT OF THE INFORMATION OR THE PATIENT'S AUTHORIZED
5 REPRESENTATIVE; OR~~

~~6 (2) TO PERSONS AUTHORIZED BY THE SECRETARY TO CONDUCT
7 RESEARCH STUDIES.~~

~~8 (D) AN INDIVIDUAL DOES NOT HAVE ANY CLAIM OR CAUSE OF ACTION
9 AGAINST ANOTHER INDIVIDUAL, A HEALTH CARE FACILITY, OR A HEALTH CARE
10 PROVIDER WHO PARTICIPATES IN GOOD FAITH IN THE REPORTING OR RECEIVING OF
11 INFORMATION FOR THE REGISTRY.~~

~~12 (E) THE LICENSE OF A HEALTH CARE FACILITY OR A HEALTH CARE PROVIDER
13 MAY NOT BE DENIED, SUSPENDED, OR REVOKED FOR THE GOOD FAITH DISCLOSURE
14 OF CONFIDENTIAL OR PRIVILEGED INFORMATION IN THE REPORTING OF TUMORS TO
15 THE REGISTRY.~~

~~16 (F) A PERSON WHO DISCLOSES CONFIDENTIAL INFORMATION IN VIOLATION
17 OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND UPON CONVICTION IS
18 PUNISHABLE BY A FINE NOT EXCEEDING \$1,000, IMPRISONMENT FOR NOT MORE
19 THAN 6 MONTHS, OR BOTH.~~

~~20 13-1607.~~

~~21 THE SECRETARY SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS
22 OF THIS SUBTITLE.~~

~~23 18-204.~~

24 (a) (1) In this section the following words have the meanings indicated.

25 (2) "Cancer report" means a 1-time abstract of the medical record of a
26 patient diagnosed or treated for cancer OR A CENTRAL NERVOUS SYSTEM TUMOR
27 which contains:

28 (i) Reasonably obtained patient demographic information,
29 including risk factors;

30 (ii) Relevant information on the:

31 1. Initial HISTOLOGICALLY PRECISE diagnosis;

32 2. Initial treatment;

33 3. Extent of the disease by the end of the first

34 hospitalization; and

1 (ii) Effective July 1, 1993, submit a cancer report in a computerized
2 file on a quarterly basis to the Secretary, or an agent of the Secretary, for all patients
3 initially diagnosed, treated, or admitted to a facility for cancer OR A CENTRAL
4 NERVOUS SYSTEM TUMOR during that calendar quarter.

5 (2) To assure compliance with this section, the Secretary, or an agent of
6 the Secretary, may inspect upon reasonable notice a representative sample of the
7 medical records of patients diagnosed, treated, or admitted for cancer OR A CENTRAL
8 NERVOUS SYSTEM TUMOR at the facility.

9 (3) (i) Information obtained under this subsection shall be
10 confidential and subject to Title 4, Subtitle 1 of this article.

11 (ii) This subsection does not apply to a disclosure by the Secretary
12 to another governmental agency performing its lawful duties pursuant to State or
13 federal law where the Secretary determines that the agency to whom the information
14 is disclosed will maintain the confidentiality of the disclosure.

15 (iii) A cancer report is not a medical record under Title 4, Subtitle 3
16 of this article, but is subject to the confidentiality requirements of Title 4, Subtitle 1
17 of this article.

18 (4) Each hospital, freestanding laboratory, freestanding ambulatory care
19 facility, therapeutic radiological center, or physician who in good faith submits a
20 cancer report to the Secretary is not liable in any cause of action arising from the
21 submission of the report.

22 (5) The Secretary, after consultation with the Cancer Registry Advisory
23 Committee, the Maryland Hospital Association, and representatives of freestanding
24 laboratories and therapeutic radiological centers, shall adopt regulations to
25 implement the requirements of this section.

26 (6) The Secretary, in accordance with § 2-1246 of the State Government
27 Article, shall submit an annual report to the Governor and General Assembly on the
28 activities of the cancer registry, including utilization of cancer registry data.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2001.