

# SENATE BILL 717

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CF HB 722

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By: **Senators Greenip, Colburn, Harris, Jacobs, Kittleman, Klausmeier, Madaleno, Middleton, Munson, Peters, Pugh, Raskin, Robey, Rosapepe, Simonaire, and Stone**

Introduced and read first time: February 6, 2009

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 24, 2009

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Disease Prevention – Cancer Reports – Myelodysplastic Syndromes**

3 FOR the purpose of requiring certain hospitals, laboratories, ambulatory care  
4 facilities, radiological centers, and health care practitioners to submit certain  
5 reports, make certain information available, or enter into certain agreements  
6 with certain hospitals; adding certain syndromes to the diagnoses required to be  
7 reported in a cancer report; authorizing the Secretary of Health and Mental  
8 Hygiene or the Secretary's agent to inspect certain medical records of certain  
9 patients under certain circumstances; making a certain stylistic change;  
10 defining a certain term; and generally relating to the reporting of  
11 myelodysplastic syndromes.

12 BY repealing and reenacting, with amendments,  
13 Article – Health – General  
14 Section 18–204  
15 Annotated Code of Maryland  
16 (2005 Replacement Volume and 2008 Supplement)

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

19 **Article – Health – General**

20 18–204.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

2 (2) "Cancer report" means a 1-time abstract of the medical record of a  
3 patient diagnosed or treated for [cancer] **MDS, CANCER**, or a central nervous system  
4 tumor which contains:

5 (i) Reasonably obtained patient demographic information,  
6 including risk factors;

7 (ii) Relevant information on the:

8 1. Initial histologically precise diagnosis;

9 2. Initial treatment;

10 3. Extent of the disease by the end of the first  
11 hospitalization; and

12 4. Extent of the disease within 2 months of diagnosis if  
13 the information is available to the reporting facility and the reporting facility has a  
14 tumor registry; and

15 (iii) Facility and other provider identification information.

16 (3) (i) "Central nervous system tumor" means, irrespective of  
17 histologic type or behavior, a primary tumor in the following sites:

18 1. The brain;

19 2. The caudae equina;

20 3. A cranial nerve;

21 4. The craniopharyngeal duct;

22 5. The meninges;

23 6. The pineal gland;

24 7. The pituitary gland; or

25 8. The spinal cord.

26 (ii) "Central nervous system tumor" includes a primary  
27 intracranial tumor.

1           (4) “Freestanding ambulatory care facility” has the meaning stated in  
2 § 19-3B-01 of [the] **THIS** article.

3           **(5) “MDS” MEANS MYELODYSPLASTIC SYNDROMES, FORMERLY**  
4 **KNOWN AS PRELEUKEMIA, WHICH ARE A GROUP OF BONE MARROW DISORDERS**  
5 **THAT ARE MARKED BY AN ABNORMAL REDUCTION IN ONE OR MORE TYPES OF**  
6 **CIRCULATING BLOOD CELLS.**

7           (b) (1) Each hospital which has care of a patient with [cancer] **MDS,**  
8 **CANCER,** or a central nervous system tumor, each freestanding laboratory,  
9 freestanding ambulatory care facility, or therapeutic radiological center which has  
10 care of or has diagnosed [cancer] **MDS, CANCER,** or a central nervous system tumor  
11 for a nonhospitalized patient, and each physician who has care of or has diagnosed  
12 [cancer] **MDS, CANCER,** or a central nervous system tumor for a nonhospitalized  
13 patient not otherwise reported shall:

14                           (i) 1. Submit a cancer report to the Secretary, on the form  
15 that the Secretary provides or in a computerized file;

16   2. Make available to the Secretary, or an agent of the  
17 Secretary, at the facility the information necessary to compile a cancer report; or

18   3. Enter into an agreement with a hospital or other  
19 facility or agency that agrees to report to the Maryland Cancer Registry to act as the  
20 reporting source for a [cancer] **PATIENT WHO HAS MDS, CANCER,** or A central  
21 nervous system tumor [patient] who has been referred to or from that facility, or  
22 reported to that agency with regard to [cancer] **MDS, CANCER,** or central nervous  
23 system tumor screening, diagnosis, or treatment; and

24   (ii) Effective July 1, 1993, submit a cancer report in a  
25 computerized file on a quarterly basis to the Secretary, or an agent of the Secretary,  
26 for all patients initially diagnosed, treated, or admitted to a facility for [cancer] **MDS,**  
27 **CANCER,** or a central nervous system tumor during that calendar quarter.

28           (2) To assure compliance with this section, the Secretary, or an agent  
29 of the Secretary, may inspect upon reasonable notice a representative sample of the  
30 medical records of patients diagnosed, treated, or admitted for [cancer] **MDS,**  
31 **CANCER,** or a central nervous system tumor at the facility.

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

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

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

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

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

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2009.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.