
By: Chairman, Environmental Matters Committee (Departmental - Health and Mental Hygiene)

Introduced and read first time: January 31, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Cancer Registry**

3 FOR the purpose of requiring physicians and freestanding ambulatory care facilities that
4 have care of a patient with cancer to submit a cancer report to the Secretary of
5 Health and Mental Hygiene in a form provided by the Department or in a
6 computerized file; requiring that physicians and freestanding ambulatory care
7 facilities submit a cancer report to the Secretary within a certain time for patients
8 initially diagnosed or treated; providing for the designation of a hospital, facility, or
9 agency which already reports to the Cancer Registry as the reporting source under
10 certain circumstances; providing that each hospital physician, facility, or agency
11 required to report is not liable in any cause of action arising from the submission of
12 the report; and generally relating to the Maryland Cancer Registry.

13 BY repealing and reenacting, with amendments,
14 Article - Health - General
15 Section 18-204
16 Annotated Code of Maryland
17 (1994 Replacement Volume and 1995 Supplement)

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

20 **Article - Health - General**

21 18-204.

22 (a) (1) In this section ["cancer"] THE FOLLOWING WORDS HAVE THE
23 MEANINGS INDICATED.

24 (2) "CANCER report" means a 1-time abstract of the medical record of a
25 patient diagnosed or treated for cancer which contains:

26 [(1)] (I) Reasonably obtained patient demographic information, including
27 risk factors;

28 [(2)] (II) Relevant information on the:

29 [(i)] 1. Initial diagnosis;

2

1 [(ii)] 2. Initial treatment;

2 [(iii)] 3. Extent of the disease by the end of the first hospitalization;
3 and

4 [(iv)] 4. Extent of the disease within 2 months of diagnosis if the
5 information is available to the reporting facility and the reporting facility has a tumor
6 registry; and

7 [(3)] (III) Facility and other provider identification information.

8 (3) "FREESTANDING AMBULATORY CARE FACILITY" HAS THE MEANING
9 STATED IN § 19-3B-01 OF THIS ARTICLE.

10 (b) (1) Each hospital which has care of a patient with cancer, and each
11 freestanding laboratory, FREESTANDING AMBULATORY CARE FACILITY, or therapeutic
12 radiological center which has care of or has diagnosed cancer for a nonhospitalized
13 patient, AND EACH PHYSICIAN OR SURGEON WHO HAS CARE OF OR HAS DIAGNOSED
14 CANCER FOR A NONHOSPITALIZED PATIENT NOT OTHERWISE REPORTED shall:

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

17 2. Make available to the Secretary, or an agent of the Secretary,
18 at the facility the information necessary to compile a cancer report; [and] OR

19 3. MAY ENTER INTO AN AGREEMENT WITH A HOSPITAL OR
20 OTHER FACILITY OR AGENCY WHICH REPORTS TO THE MARYLAND CANCER
21 REGISTRY TO ACT AS THE REPORTING SOURCE FOR A CANCER PATIENT WHO HAS
22 BEEN REFERRED TO OR FROM THAT FACILITY, OR REPORTED TO THAT AGENCY
23 WITH REGARD TO CANCER SCREENING, DIAGNOSIS, OR TREATMENT; AND

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

28 (2) To assure compliance with this section, the Secretary, or an agent of the
29 Secretary, may inspect upon reasonable notice a representative sample of the medical
30 records of patients diagnosed, treated, or admitted for cancer at the facility.

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

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

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

1 (4) EACH HOSPITAL, FREESTANDING LABORATORY, FREESTANDING
2 AMBULATORY CARE FACILITY, THERAPEUTIC RADIOLOGICAL CENTER, PHYSICIAN
3 OR SURGEON WHO IN GOOD FAITH SUBMITS A CANCER REPORT TO THE SECRETARY
4 IS NOT LIABLE IN ANY CAUSE OF ACTION ARISING FROM THE SUBMISSION OF THE
5 REPORT.

6 [(4)] (5) The Secretary, after consultation with the Cancer Registry
7 Advisory Committee, the Maryland Hospital Association, and representatives of
8 freestanding laboratories and therapeutic radiological centers, shall adopt regulations to
9 implement the requirements of this section.

10 [(5)] (6) The Secretary, in accordance with § 2-1312 of the State
11 Government Article, shall submit an annual report to the Governor and General
12 Assembly on the activities of the cancer registry, including utilization of cancer registry
13 data.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 1996.