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

Introduced and read first time: January 31, 1996

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 5, 1996

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CHAPTER \_\_\_\_

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.

2

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

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

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

6 [(i)] 1. Initial diagnosis;

7 [(ii)] 2. Initial treatment;

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

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

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

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

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

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

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

25 3. ~~MAY ENTER INTO AN AGREEMENT WITH A HOSPITAL OR~~  
26 ~~OTHER FACILITY OR AGENCY WHICH THAT~~ REPORTS TO THE MARYLAND CANCER  
27 REGISTRY TO ACT AS THE REPORTING SOURCE FOR A CANCER PATIENT WHO HAS  
28 BEEN REFERRED TO OR FROM THAT FACILITY, OR REPORTED TO THAT AGENCY  
29 WITH REGARD TO CANCER SCREENING, DIAGNOSIS, OR TREATMENT; AND

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

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

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

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

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

8 (4) EACH HOSPITAL, FREESTANDING LABORATORY, FREESTANDING  
9 AMBULATORY CARE FACILITY, THERAPEUTIC RADIOLOGICAL CENTER, OR  
10 PHYSICIAN ~~OR SURGEON~~ WHO IN GOOD FAITH SUBMITS A CANCER REPORT TO THE  
11 SECRETARY IS NOT LIABLE IN ANY CAUSE OF ACTION ARISING FROM THE  
12 SUBMISSION OF THE REPORT.

13 [(4)] (5) The Secretary, after consultation with the Cancer Registry  
14 Advisory Committee, the Maryland Hospital Association, and representatives of  
15 freestanding laboratories and therapeutic radiological centers, shall adopt regulations to  
16 implement the requirements of this section.

17 [(5)] (6) The Secretary, in accordance with § 2-1312 of the State  
18 Government Article, shall submit an annual report to the Governor and General  
19 Assembly on the activities of the cancer registry, including utilization of cancer registry  
20 data.

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