

HOUSE BILL 722

J3, J1

9lr3107
CF SB 717

By: **Delegates Costa and Frush**

Introduced and read first time: February 10, 2009

Assigned to: Health and Government Operations

A BILL ENTITLED

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.

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

22 (2) “Cancer report” means a 1–time abstract of the medical record of a
23 patient diagnosed or treated for [cancer] **MDS, CANCER**, or a central nervous system
24 tumor which contains:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) Reasonably obtained patient demographic information,
2 including risk factors;

3 (ii) Relevant information on the:

4 1. Initial histologically precise diagnosis;

5 2. Initial treatment;

6 3. Extent of the disease by the end of the first
7 hospitalization; and

8 4. Extent of the disease within 2 months of diagnosis if
9 the information is available to the reporting facility and the reporting facility has a
10 tumor registry; and

11 (iii) Facility and other provider identification information.

12 (3) (i) “Central nervous system tumor” means, irrespective of
13 histologic type or behavior, a primary tumor in the following sites:

14 1. The brain;

15 2. The caudae equina;

16 3. A cranial nerve;

17 4. The craniopharyngeal duct;

18 5. The meninges;

19 6. The pineal gland;

20 7. The pituitary gland; or

21 8. The spinal cord.

22 (ii) “Central nervous system tumor” includes a primary
23 intracranial tumor.

24 (4) “Freestanding ambulatory care facility” has the meaning stated in
25 § 19–3B–01 of [the] **THIS** article.

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

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

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

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

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

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

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

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

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

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

35 (4) Each hospital, freestanding laboratory, freestanding ambulatory
36 care facility, therapeutic radiological center, or physician who in good faith submits a

1 cancer report to the Secretary is not liable in any cause of action arising from the
2 submission of the report.

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

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

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