

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2598

Introduced by Assembly Member Fuentes

February 24, 2012

~~An act relating to postsecondary education.~~ *An act to add Chapter 5 (commencing with Section 103930) to Part 2 of Division 102 of the Health and Safety Code, relating to veteran's health.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2598, as amended, Fuentes. ~~Military service; academic credit.~~ *Veteran's health: B.T. Collins Veterans Health Registry.*

Existing law requires the State Public Health Officer to establish a statewide system for the collection of information determining the incidence of cancer, as specified.

Existing law authorizes the Department of Veterans Affairs to assist every veteran of the United States and the dependent or survivor of every veteran of the United States in presenting and pursuing a claim as the veteran, dependent, or survivor may have against the United States arising out of war service, and in establishing the veteran's, dependent's, or survivor's right to any privilege, preference, care, or compensation provided by the laws of the United States or of this state.

This bill would require the State Department of Public Health to establish a statewide system for the collection of information about veterans who have or have had a presumptive illness relating to qualifying military service, as determined by the federal Department of Veterans Affairs. It would also require the department to evaluate the sources of a presumptive illness and evaluate measures designed to eliminate, alleviate, or ameliorate its effect.

Existing law authorizes the California Community Colleges and the California State University, and encourages the University of California, to coordinate services for qualified students who are veterans or members of the military by clearly designating Military and Veterans Offices and individuals to provide specified services.

This bill would state the intent of the Legislature to enact legislation that would establish and administer a demonstration program that identifies, develops, and supports methods that maximize academic credit awarded by institutions of higher education to veterans and members of the military for military experience, education, and training obtained during military service in order to expedite the entry of veterans and members of the military into the workforce.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 B. T. Collins Veterans Health Registry.

3 SEC. 2. Chapter 5 (commencing with Section 103930) is added
4 to Part 2 of Division 102 of the Health and Safety Code, to read:

5
6 CHAPTER 5. VETERANS HEALTH REGISTRY
7

8 103930. (a) The department shall establish a statewide system
9 for the collection of information about veterans who have or have
10 had a presumptive illness relating to qualifying military service,
11 as determined by the federal Department of Veterans Affairs, that
12 includes any of the following:

13 (1) Health problems from exposure to herbicides, otherwise
14 known as Agent Orange, during military service in Vietnam any
15 time during the period from January 9, 1962, to May 7, 1975,
16 inclusive.

17 (2) Medically unexplained chronic multisymptom illness from
18 military service in the Southwest Asia theater of military
19 operations, otherwise known as Gulf War Syndrome.

20 (3) Health problems from exposure to depleted uranium from
21 military service during the Gulf War.

22 (b) The department shall share information in the system with
23 the Department of Veterans Affairs.

1 (c) (1) *Except as otherwise provided in this section, all*
2 *information collected pursuant to this section shall be confidential.*
3 *For purposes of this section, this information shall be referred to*
4 *as “confidential information.”*

5 (2) *The department shall use the information to determine the*
6 *sources of a presumptive illness identified in subdivision (a) and*
7 *evaluate measures designed to eliminate, alleviate, or ameliorate*
8 *their effect.*

9 (3) *Persons with a valid scientific interest who are engaged in*
10 *demographic, epidemiological, or other similar studies related to*
11 *health who meet qualifications as determined by the department,*
12 *and who agree, in writing, to maintain confidentiality, may be*
13 *authorized access to confidential information.*

14 (4) *The department may enter into agreements to furnish*
15 *confidential information to other states’ veterans health registries,*
16 *the federal Department of Veterans Affairs, local health officers,*
17 *or health researchers for the purposes of determining the sources*
18 *of presumptive illnesses identified in subdivision (a) and evaluating*
19 *measures designed to eliminate, alleviate, or ameliorate their*
20 *effect. Before confidential information is disclosed to those*
21 *agencies, officers, researchers, or out-of-state registries, the*
22 *requesting entity shall agree in writing to maintain the*
23 *confidentiality of the information, and in the case of researchers,*
24 *shall also do both of the following:*

25 (A) *Obtain approval of their committee for the protection of*
26 *human subjects established in accordance with Part 46*
27 *(commencing with Section 46.101) of Title 45 of the Code of*
28 *Federal Regulations.*

29 (B) *Provide documentation to the department that demonstrates*
30 *to the department’s satisfaction that the entity has established the*
31 *procedures and ability to maintain the confidentiality of the*
32 *information.*

33 (5) *Notwithstanding any other provision of law, any disclosure*
34 *authorized by this section shall include only the information that*
35 *is necessary for the stated purpose of the requested disclosure and*
36 *used for the approved purpose, and is not further disclosed.*

37 (6) *The furnishing of confidential information to the department*
38 *or its authorized representative in accordance with this section*
39 *shall not expose any person, agency, or entity furnishing*

1 information to liability, and shall not be considered a waiver of
2 any privilege or a violation of a confidential relationship.

3 (7) The department shall maintain an accurate record of all
4 persons who are given access to confidential information. The
5 record shall include: the name of the person authorizing access;
6 name, title, address, and organizational affiliation of persons given
7 access; dates of access; and the specific purpose for which
8 information is to be used. The record of access shall be open to
9 public inspection during normal operating hours of the department.

10 (8) Notwithstanding any other provision of law, no part of the
11 confidential information shall be available for subpoena, nor shall
12 it be disclosed, discoverable, or compelled to be produced in any
13 civil, criminal, administrative, or other proceeding, nor shall this
14 information be deemed admissible as evidence in any civil,
15 criminal, administrative, or other tribunal or court for any reason.

16 (9) Nothing in this subdivision shall prohibit the publication by
17 the department of reports and statistical compilations that do not
18 in any way identify individual cases or individual sources of
19 information.

20 (10) Notwithstanding the restrictions in this subdivision, the
21 individual to whom the information pertains shall have access to
22 his or her own information in accordance with Chapter 1
23 (commencing with Section 1798) of Title 1.8 of the Civil Code.

24 ~~SECTION 1. It is the intent of the Legislature to enact~~
25 ~~legislation that would establish and administer a demonstration~~
26 ~~program that identifies, develops, and supports methods that~~
27 ~~maximize academic credit awarded by institutions of higher~~
28 ~~education to veterans and members of the military for military~~
29 ~~experience, education, and training obtained during military service~~
30 ~~in order to expedite the entry of veterans and members of the~~
31 ~~military into the workforce.~~

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