AMENDED IN ASSEMBLY APRIL 10, 2014

AMENDED IN ASSEMBLY MARCH 12, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL No. 1683

Introduced by Assembly Member Jones
(Coauthor: Senator Vidak)

February 13, 2014

An act to add Section 103886 to the Health and Safety Code, relating to disease reporting.

LEGISLATIVE COUNSEL'S DIGEST

AB 1683, as amended, Jones. Ken Maddy California Cancer Registry.

Existing law requires the State Department of Public Health to establish a statewide system for the collection of information determining the incidence of cancer known as the Ken Maddy California Cancer Registry. Existing law authorizes the department to designate any demographic parts of the state as regional cancer incidence reporting areas and establish regional cancer registries to provide cancer incidence data. Under existing law, all cancers diagnosed or treated in the reported area are required to be reported to the representative of the department authorized to compile that data, or any other person or entity designated to cooperate with that representative. Existing regulations require cancer reporting facilities and physicians to employ a mechanism to ensure that their patients are informed that the facility will report each patient with cancer to the State Department of Public Health as required by law.

Under existing law, health care practitioners, including, among others, physicians and surgeons, and any hospital or other facility providing

diagnostic or treatment services to patients with cancer are required to grant to the department or the authorized representative access to all records that would identify cases of cancer or would establish characteristics of the cancer, treatment of the cancer, or medical status of any identified cancer patient. All information collected pursuant to those provisions is generally required to be kept confidential. Existing law authorizes the department to enter into agreements to furnish confidential information to specified persons and entities, including other states' cancer registries, local health officers, and health researchers.

This bill would require the State Department of Public Health to inform a patient diagnosed with cancer by, or receiving cancer therapy treatment from, a specified health care practitioner, or a hospital or other facility within an area designated as a cancer reporting area of the reporting requirement, and would require the department to also notify a patient of specified information, including, among other things, that the department is authorized to release confidential patient information to health researchers. *The bill would prohibit cancer reporting facilities and physicians from being required to employ a mechanism to ensure that their patients are informed that the facility will report each patient with cancer to the State Department of Public Health.* This bill would require the department to notify the patient, in a cost-effective manner, within 6 months of his or her case being reported to the department. ~~The bill would also prohibit the department from disclosing confidential patient information to certain specified persons or entities until the department informs the patient of the reporting requirement. The bill would also allow a patient to refuse to participate in any research study and authorizes a patient to request that his or her contact information be withheld from health researchers.~~

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

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

SECTION 1. Section 103886 is added to the Health and Safety Code, to read:

103886. (a) (1) A patient diagnosed with cancer, or provided treatment for cancer, by a physician and surgeon, dentist, podiatrist, or other health care practitioner or a patient receiving cancer therapy treatment from any hospital or other facility within an area

designated as a cancer reporting area shall be informed by the department of the reporting requirement described in subdivision (d) of Section 103885. *Cancer reporting facilities and physicians shall not be required to employ a mechanism to ensure that their patients are informed that cancer has been designated as a reportable disease or that the facility will report each patient with cancer to the department.*

(2) The department shall notify the patient of all of the following information:

(A) A description of the cancer registry, as provided in subdivisions (a) and (b) of Section 103885.

(B) An explanation of how the department obtains all records that would identify cases of cancer and the type of information collected by the department, as described in subdivision (f) of Section 103885.

(C) The purposes for which the information obtained by the department is collected and intended to be used, as described in subdivision (g) of Section 103885.

(D) The authorization of the department to release confidential patient information to any person with a valid scientific interest, other states' cancer registries, federal cancer control agencies, local health officers, or health researchers, pursuant to subdivision (g) of Section 103885.

(E) The discretion of a patient to refuse to participate in any research study and to request that his or her contact information be ~~withheld, pursuant to subdivision (c).~~ *withheld.*

(F) The benefits of participating in cancer research, including, but not limited to, the opportunity to contribute to the discovery of improved treatments and survival rates for cancer patients.

(3) The department shall notify the patient of the reporting requirement and the information described in paragraph (2) within six months of his or her case being reported to the department.

~~(b) The department shall not disclose confidential information to any persons, other states' cancer registries, federal cancer control agencies, local health officers, or health researchers pursuant to subdivision (g) of Section 103885, until the department informs the patient of the reporting requirement described in subdivision (d) of Section 103885.~~

~~(c) The patient may refuse to participate in any research study and may request that his or her contact information be withheld~~

~~from those persons or health researchers who obtain the patient's confidential information pursuant to Section 103885.~~

~~(d)~~

(b) All notifications to the patient required under this section shall be distributed in a cost-effective manner, including, but not limited to, by e-mail.

~~(e)~~

(c) The department shall adopt regulations as it determines are necessary for the implementation of this section in accordance with the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

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