

ASSEMBLY BILL

No. 972

Introduced by Assembly Member Jones

February 26, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 972, as introduced, 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 department or the authorized representative of the department. 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.

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

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

- 1 SECTION 1. Section 103886 is added to the Health and Safety
- 2 Code, to read:
- 3 103886. (a) (1) A patient diagnosed with cancer, or provided
- 4 treatment for cancer, by a physician and surgeon, dentist, podiatrist,
- 5 or other health care practitioner or a patient receiving cancer
- 6 therapy treatment from any hospital or other facility within an area
- 7 designated as a cancer reporting area shall be informed by the
- 8 department of the reporting requirement described in subdivision
- 9 (d) of Section 103885. Cancer reporting facilities and physicians
- 10 shall not be required to employ a mechanism to ensure that their
- 11 patients are informed that cancer has been designated as a
- 12 reportable disease or that the facility will report each patient with
- 13 cancer to the department.
- 14 (2) The department shall notify the patient of all of the following
- 15 information:
- 16 (A) A description of the cancer registry, as provided in
- 17 subdivisions (a) and (b) of Section 103885.
- 18 (B) An explanation of how the department obtains all records
- 19 that would identify cases of cancer and the type of information

1 collected by the department, as described in subdivision (f) of
2 Section 103885.

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

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

11 (E) The discretion of a patient to refuse to participate in any
12 research study and to request that his or her contact information
13 be withheld.

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

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

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