

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 2174**

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**Introduced by Assembly Member Jones**

February 18, 2016

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An act to ~~amend Section 130301 of~~ *add Section 103876* to the Health and Safety Code, relating to health care.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2174, as amended, Jones. ~~Health care—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 ensure a patient whose name appears on the Ken Maddy California Cancer Registry has received specified notice including, among other things, that the department is authorized to release confidential patient information to health researchers, prior to any researcher contacting the patient.*

~~Existing law, the Health Insurance Portability and Accountability Implementation Act of 2001, establishes the Office of Health Information Integrity within the California Health and Human Services Agency, which is responsible for implementing the provisions of the federal Health Insurance Portability and Accountability Act (HIPAA). Existing law makes various findings and declarations about HIPAA.~~

~~This bill would make a technical, nonsubstantive change to those provisions.~~

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. Section 103876 is added to the Health and Safety*
- 2     *Code, to read:*
- 3     *103876. (a) Prior to any researcher contacting a person whose*
- 4     *name appears on the Ken Maddy California Cancer Registry, for*
- 5     *any purpose, the department shall ensure that the person to be*
- 6     *contacted has received notice of the following information:*
- 7     *(1) A description of the cancer registry, as provided in*
- 8     *subdivisions (a) and (b) of Section 103885.*
- 9     *(2) An explanation of how the department obtains all records*
- 10    *that would identify cases of cancer and the type of information*
- 11    *collected by the department, as described in subdivision (f) of*
- 12    *Section 103885.*

1 (3) *The purpose for which the information obtained by the*  
2 *department is collected and intended to be used, as described in*  
3 *subdivision (g) of Section 103885.*

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

9 (5) *The discretion of a patient to refuse to participate in any*  
10 *research study and to request that his or her contact information*  
11 *be withheld.*

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

15 (b) (1) *All notifications to the patient required pursuant to this*  
16 *section shall be distributed in a cost-effective manner, including,*  
17 *but not limited to, by email.*

18 (2) *All notifications pursuant to this section shall be at no cost*  
19 *to the person receiving them.*

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).*

25 ~~SECTION 1. Section 130301 of the Health and Safety Code~~  
26 ~~is amended to read:~~

27 ~~130301. The Legislature finds and declares the following:~~

28 ~~(a) The federal Health Insurance Portability and Accountability~~  
29 ~~Act (Public Law 104-191), known as HIPAA, was enacted on~~  
30 ~~August 21, 1996.~~

31 ~~(b) HIPAA extends health coverage benefits to workers after~~  
32 ~~they terminate or change employment by allowing the worker to~~  
33 ~~participate in existing group coverage plans, thereby avoiding the~~  
34 ~~additional expense associated with obtaining individual coverage~~  
35 ~~as well as the potential loss of coverage because of a preexisting~~  
36 ~~health condition.~~

37 ~~(c) Administrative simplification is a key feature of HIPAA,~~  
38 ~~requiring standard national identifiers for providers, employers,~~  
39 ~~and health plans and the development of uniform standards for the~~  
40 ~~coding and transmission of claims and health care information.~~

1 ~~Administration simplification is intended to promote the use of~~  
2 ~~information technology, thereby reducing costs and increasing~~  
3 ~~efficiency in the health care industry.~~

4 ~~(d) HIPAA also contains new standards for safeguarding the~~  
5 ~~privacy and security of health information. Therefore, the~~  
6 ~~development of policies for safeguarding the privacy and security~~  
7 ~~of health records is a fundamental and indispensable part of HIPAA~~  
8 ~~implementation that must accompany or precede the expansion or~~  
9 ~~standardization of technology for recording or transmitting health~~  
10 ~~information.~~

11 ~~(e) The federal Department of Health and Human Services has~~  
12 ~~published, and continues to publish, rules pertaining to the~~  
13 ~~implementation of HIPAA. Following a 60-day congressional~~  
14 ~~concurrence period, health providers and insurers have 24 months~~  
15 ~~in which to implement these rules.~~

16 ~~(f) These federal rules directly apply to state and county~~  
17 ~~departments that provide health coverage, health care, mental~~  
18 ~~health services, and alcohol and drug treatment programs. Other~~  
19 ~~state and county departments are also subject to these rules to the~~  
20 ~~extent they use or exchange information with the departments to~~  
21 ~~which the federal rules directly apply.~~

22 ~~(g) In view of the substantial changes that HIPAA will require~~  
23 ~~in the practices of both private and public health entities and their~~  
24 ~~business associates, the ability of California government to~~  
25 ~~continue the delivery of vital health services will depend upon the~~  
26 ~~implementation of HIPAA in a manner that is coordinated among~~  
27 ~~state departments as well as our partners in county government~~  
28 ~~and the private health sector.~~

29 ~~(h) The implementation of HIPAA shall be accomplished as~~  
30 ~~required by federal law and regulations and shall be a priority for~~  
31 ~~state departments.~~