

ASSEMBLY BILL

No. 2325

Introduced by Assembly Member Bonilla

February 18, 2016

An act to amend Section 103885 of, and to add Section 103887 to, the Health and Safety Code, relating to cancer.

LEGISLATIVE COUNSEL'S DIGEST

AB 2325, as introduced, Bonilla. 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. Existing law requires any hospital or other facility providing therapy to cancer patients within a cancer reporting area to report each case of cancer to the department or the authorized representative of the department in a format prescribed by the department. Existing law provides that if the hospital or other facility fails to report in a format prescribed by the department, the department's authorized representative is authorized to access the information from the hospital or the facility and report it in the appropriate format. In these cases, existing law requires the hospital or other health facility to reimburse the department or the authorized representative for its cost to access and report the information. Existing law also requires any physician, dentist, podiatrist, or other health care practitioner diagnosing or providing treatment for cancer patients to report each cancer case to

the department or the authorized representative of the department, except for those cases directly referred to a treatment facility or those previously admitted to a treatment facility for diagnosis or treatment of that instance of cancer.

This bill would delete the reporting exception described above and require any physician, dentist, podiatrist, or other health care practitioner diagnosing and providing treatment for cancer patients to report each cancer case to the department or the authorized representative of the department in a format prescribed by the department. The bill would also require reimbursements if a physician, dentist, podiatrist, or other health care practitioner fails to report in the prescribed format, as specified. The bill would require the department to prescribe the data required to be included in reports submitted by physicians, dentists, podiatrists, or other health care practitioners diagnosing cancer patients and to designate a standardized electronic format for the submission of those reports.

This bill would also require the department to establish a pilot program to enable the department and other authorized users to conduct electronic specific data element searches for the purpose of identifying individuals who meet cancer clinical trial eligibility requirements.

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 103885 of the Health and Safety Code
 2 is amended to read:
 3 103885. (a) The director shall establish a statewide system for
 4 the collection of information determining the incidence of cancer,
 5 using population-based cancer registries modeled after the Cancer
 6 Surveillance Program of Orange County. As of the effective date
 7 of this section the director shall begin phasing in the statewide
 8 cancer reporting system. By July 1, 1988, all county or regional
 9 registries shall be implemented or initiated. By July 1, 1990, the
 10 statewide cancer reporting system shall be fully operational. Within
 11 60 days of the effective date of this section, the director shall
 12 submit an implementation and funding schedule to the Legislature.
 13 (b) The department may designate any demographic parts of
 14 the state as regional cancer incidence reporting areas and may
 15 establish regional cancer registries, with the responsibility and

1 authority to carry out the intent of this section in designated areas.
2 Designated regional registries shall provide, on a timely basis,
3 cancer incidence data as designated by the state department to the
4 department. The department may establish a competitive process
5 to receive applications for, and issue, the award of a contract, grant,
6 or allocation of funds, including, but not limited to, a cooperative
7 agreement, subvention agreement, or any other agreement allowed
8 by law, to an agency, including, but not limited to, a health systems
9 agency, single county health department, multicounty health
10 department grouping, or nonprofit professional association to
11 operate the statewide cancer reporting system and to enter into
12 contracts, or issue grants or funding allocations to other agencies
13 representing a designated cancer reporting region for the purposes
14 of collecting and collating cancer incidence data. The award of
15 these contracts, grants, or funding allocations shall be exempt from
16 Part 2 (commencing with Section 10100) of Division 2 of the
17 Public Contract Code. The department shall include appropriate
18 terms and conditions in a contract, grant, or funding allocation to
19 ensure the proper use of state funds, including provision for
20 reimbursement of allowable costs, financial reporting, program
21 performance reporting, monitoring of subgrants, subcontracts, or
22 suballocations to an agency representing a designated cancer
23 reporting region, retention and access requirements for records,
24 data use and management, independent auditing, termination, and
25 disposition of assets acquired under the contract, grant, or funding
26 allocation.

27 (c) The director shall designate cancer as a disease required to
28 be reported in the state or any demographic parts of the state in
29 which cancer information is collected under this section. All
30 cancers diagnosed or treated in the reporting area shall thereafter
31 be reported to the representative of the department authorized to
32 compile the cancer data, or any individual, agency, or organization
33 designated to cooperate with that representative.

34 (d) (1) Any hospital or other facility providing therapy to cancer
35 patients within an area designated as a cancer reporting area shall
36 report each case of cancer to the department or the authorized
37 representative of the department in a format prescribed by the
38 department. If the hospital or other facility fails to report in a
39 format prescribed by the department, the department's authorized
40 representative may access the information from the hospital or the

1 facility and report it in the appropriate format. In these cases, the
2 hospital or other health facility shall reimburse the state department
3 or the authorized representative for its cost to access and report
4 the information.

5 (2) Any physician and surgeon, dentist, podiatrist, or other health
6 care practitioner diagnosing or providing treatment for cancer
7 patients shall report each cancer case to the department or the
8 authorized representative of the department ~~except for those cases~~
9 ~~directly referred to a treatment facility or those previously admitted~~
10 ~~to a treatment facility for diagnosis or treatment of that instance~~
11 ~~of cancer. in a format prescribed by the department. If the~~
12 ~~physician and surgeon, dentist, podiatrist, or other healthcare~~
13 ~~practitioner fails to report in a format prescribed by the~~
14 ~~department, the department's authorized representative may access~~
15 ~~the information from that person and report it in the appropriate~~
16 ~~format. In these cases, the physician and surgeon, dentist,~~
17 ~~podiatrist, or other healthcare practitioner shall reimburse the~~
18 ~~state department or the authorized representative for its cost to~~
19 ~~access and report the information. For purposes of reports~~
20 ~~submitted pursuant to this paragraph by a physician and surgeon,~~
21 ~~dentist, podiatrist, or other healthcare practitioner diagnosing~~
22 ~~cancer patients, the department shall prescribe the data required~~
23 ~~to be included in the report and designate a standardized electronic~~
24 ~~format for submission.~~

25 (e) Any hospital or other ~~facility facility, or any physician and~~
26 ~~surgeon, dentist, podiatrist, or other health care practitioner,~~ that
27 is required to reimburse the department or its authorized
28 representative for the cost to access and report the information
29 pursuant to subdivision (d) shall provide payment to the department
30 or its authorized representative within 60 days of the date this
31 payment is demanded. In the event any hospital or other ~~facility~~
32 ~~facility, or any physician and surgeon, dentist, podiatrist, or other~~
33 ~~health care practitioner,~~ fails to make the payment to the
34 department or its authorized representative within 60 days of the
35 date the payment is demanded, the department or its authorized
36 representative may, at its discretion, assess a late fee not to exceed
37 1 ½ percent per month of the outstanding balance. Further, in the
38 event that the department or its authorized representative takes a
39 legal action to recover its costs and any associated fees, and the
40 department or its authorized representative receives a judgment in

1 its favor, the hospital or other ~~facility~~ *facility, or the physician and*
2 *surgeon, dentist, podiatrist, or other health care practitioner,* shall
3 also reimburse the department or its authorized representative for
4 any additional costs it incurred to pursue the legal action. Late fees
5 and payments made to the department ~~by hospitals or other~~
6 ~~facilities~~ pursuant to this subdivision shall be considered as
7 reimbursements of the additional costs incurred by the department.

8 (f) All physicians and surgeons, hospitals, outpatient clinics,
9 nursing homes and all other facilities, individuals, or agencies
10 providing diagnostic or treatment services to patients with cancer
11 shall grant to the department or the authorized representative access
12 to all records that would identify cases of cancer or would establish
13 characteristics of the cancer, treatment of the cancer, or medical
14 status of any identified cancer patient. Willful failure to grant
15 access to those records shall be punishable by a fine of up to five
16 hundred dollars (\$500) each day access is refused. Any fines
17 collected pursuant to this subdivision shall be deposited in the
18 General Fund.

19 (g) (1) Except as otherwise provided in this section, all
20 information collected pursuant to this section shall be confidential.
21 For purposes of this section, this information shall be referred to
22 as “confidential information.”

23 (2) The department and any regional cancer registry designated
24 by the department shall use the information to determine the
25 sources of malignant neoplasms and evaluate measures designed
26 to eliminate, alleviate, or ameliorate their effect.

27 (3) Persons with a valid scientific interest who are engaged in
28 demographic, epidemiological, or other similar studies related to
29 health who meet qualifications as determined by the department,
30 and who agree, in writing, to maintain confidentiality, may be
31 authorized access to confidential information.

32 (4) The department and any regional cancer registry designated
33 by the department may enter into agreements to furnish confidential
34 information to other states’ cancer registries, federal cancer control
35 agencies, local health officers, or health researchers for the
36 purposes of determining the sources of cancer and evaluating
37 measures designed to eliminate, alleviate, or ameliorate their effect.
38 Before confidential information is disclosed to those agencies,
39 officers, researchers, or out-of-state registries, the requesting entity
40 shall agree in writing to maintain the confidentiality of the

1 information, and in the case of researchers, shall also do both of
2 the following:

3 (A) Obtain approval of their committee for the protection of
4 human subjects established in accordance with Part 46
5 (commencing with Section 46.101) of Title 45 of the Code of
6 Federal Regulations.

7 (B) Provide documentation to the department that demonstrates
8 to the department’s satisfaction that the entity has established the
9 procedures and ability to maintain the confidentiality of the
10 information.

11 (5) Notwithstanding any other provision of law, any disclosure
12 authorized by this section shall include only the information
13 necessary for the stated purpose of the requested disclosure, used
14 for the approved purpose, and not be further disclosed.

15 (6) The furnishing of confidential information to the department
16 or its authorized representative in accordance with this section
17 shall not expose any person, agency, or entity furnishing
18 information to liability, and shall not be considered a waiver of
19 any privilege or a violation of a confidential relationship.

20 (7) The department shall maintain an accurate record of all
21 persons who are given access to confidential information. The
22 record shall include: the name of the person authorizing access;
23 name, title, address, and organizational affiliation of persons given
24 access; dates of access; and the specific purpose for which
25 information is to be used. The record of access shall be open to
26 public inspection during normal operating hours of the department.

27 (8) Notwithstanding any other provision of law, no part of the
28 confidential information shall be available for subpoena, nor shall
29 it be disclosed, discoverable, or compelled to be produced in any
30 civil, criminal, administrative, or other proceeding, nor shall this
31 information be deemed admissible as evidence in any civil,
32 criminal, administrative, or other tribunal or court for any reason.

33 (9) Nothing in this subdivision shall prohibit the publication by
34 the department of reports and statistical compilations that do not
35 in any way identify individual cases or individual sources of
36 information.

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

1 (h) For the purpose of this section, “cancer” means either of the
2 following:

3 (1) All malignant neoplasms, regardless of the tissue of origin,
4 including malignant lymphoma, Hodgkins disease, and leukemia,
5 but excluding basal cell and squamous cell carcinoma of the skin.

6 (2) All primary intracranial and central nervous system (CNS)
7 tumors occurring in the following sites, irrespective of histologic
8 type: brain, meninges, spinal cord, caudae equina, cranial nerves
9 and other parts of the CNS, pituitary gland, pineal gland, and
10 craniopharyngeal duct.

11 (i) Nothing in this section shall preempt the authority of facilities
12 or individuals providing diagnostic or treatment services to patients
13 with cancer to maintain their own facility-based cancer registries.

14 (j) It is the intent of the Legislature that the department, in
15 establishing a system pursuant to this section, maximize the use
16 of available federal funds.

17 SEC. 2. Section 103887 is added to the Health and Safety Code,
18 to read:

19 103887. The department shall establish a pilot project to enable
20 the department and users authorized pursuant to this chapter to
21 conduct electronic specific data element searches of the information
22 collected by the statewide cancer registry for the purpose of
23 identifying individuals who meet cancer clinical trial eligibility
24 requirements.