An Act

ENROLLED SENATE
BILL NO. 1853

By: Treat of the Senate

and

Moore of the House

An Act relating to ambulatory surgical centers; amending 63 O.S. 2011, Section 1-551.1, as amended by Section 1, Chapter 235, O.S.L. 2013 (63 O.S. Supp. 2013, Section 1-551.1), which relates to tumor registry; clarifying language; and providing an effective date.

SUBJECT: Ambulatory surgical centers

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 63 O.S. 2011, Section 1-551.1, as amended by Section 1, Chapter 235, O.S.L. 2013 (63 O.S. Supp. 2013, Section 1-551.1), is amended to read as follows:

Section 1-551.1 A. The State Commissioner of Health shall establish and maintain an up-to-date tumor registry to ensure an accurate and continuing source of data concerning such cancerous, precancerous and tumorous diseases as the State Board of Health may by rule specify. Such registry may include data necessary for epidemiological surveys and scientific research, and other data which is necessary and proper to further the recognition, prevention, control, treatment and cure of cancer, precancerous and tumorous diseases.

B. The Commissioner, pursuant to rules of the State Board of Health, may require any hospital, clinic, laboratory, pathologist,

physician or dentist, or any facility which provides diagnostic or treatment services for cancerous diseases and precancerous conditions, to report any or all data and information necessary for the purposes of this act which may include the following:

1. Patient name, address, age, race, sex, social security number and hospital identifier or other identifier;

2. Patient's residential, family, environmental, occupational and medical histories; and

3. Physician's name, diagnosis, stage of the disease, method of treatment and the name and address of any facility providing treatment.

C. The provisions of subsection B of this section shall not apply to ambulatory ~~service~~ surgical centers, as defined by Section 2657 of this title, upon submission of a signed affidavit that the ambulatory ~~service~~ surgical center utilizes a sole source pathology laboratory to report any or all data and information necessary for the purposes of this act.

D. The Commissioner shall protect the identity of the patient and physician involved in any report required by this act, and may not release their identity without written consent, except that:

1. The Commissioner may grant any person involved in a legitimate research activity access to confidential information obtained by the Department concerning individual patients if:

a. the research activity is determined to be in the interest of the public health and welfare,

b. the person conducting the research provides written information about the purpose of the research project, the nature of the data to be collected and how the researcher intends to analyze it, the records the researcher wishes to review, and the safeguards the researcher will take to protect the identity of the patients whose records the researcher will be reviewing,

c. the proposed safeguards are adequate to protect the identity of each patient whose records will be reviewed, and

d. an agreement is executed between the Commissioner of Health and the researcher that specifies the researcher's use of the records and that prohibits the publication or release of the names of individual cancer patients or any facts tending to lead to the identification of individual cancer patients;

2. Researchers may, with the approval of the Commissioner, use the names of individual patients when requesting additional information for research purposes or soliciting an individual patient's participation in a research project. However, if a researcher requests additional information or an individual patient's participation in a research project, the researcher must first obtain the written consent of the patient's attending physician. If the consent of the patient's attending physician is obtained, the researcher must then obtain the individual cancer patient's written consent by having the patient complete a release of confidential medical information form;

3. Data on patients may be shared with other registries, private or governmental, within or without the state, provided that a reciprocal data sharing agreement, approved by the Commissioner, is implemented with that registry. Such agreements must include patient identification confidentiality requirements; and

4. Provided further, that any confidential information released by the Commissioner under this act shall be deemed to be a confidential communication within the meaning of the physician-patient and the psychotherapist-patient privilege.

E. Nothing in this act shall be construed to compel any individual to submit to any medical examination, treatment or supervision of any kind; nor shall anyone providing information in accordance with this act be deemed to be, or held liable for, divulging confidential information. An individual shall have the right to deny registration on religious grounds.

F. The State Board of Health is empowered to adopt reasonable regulations to carry out the provisions of this act.

G. Any person who, in violation of a written agreement to maintain confidentiality, willfully discloses any information provided pursuant to this section shall be denied further access to any confidential information maintained by the Department. That person shall also be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of Two Hundred Dollars ($200.00) or imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

SECTION 2. This act shall become effective November 1, 2014.

Passed the Senate the 29th day of April, 2014.

Presiding Officer of the Senate

Passed the House of Representatives the 16th day of April, 2014.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 30th

day of April, 20 14, at 4:42 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 6th

day of May, 20 14, at 2:14 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 6th

day of May, 20 14, at 2:46 o'clock P. M.

By: Chris Benge