

SENATE BILL NO. 37

INTRODUCED BY HIMSL

BY REQUEST OF
THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

IN THE SENATE

January 5, 1981	Introduced and referred to Committee on Public Health, Welfare, and Safety.
January 6, 1981	Fiscal note requested.
January 13, 1981	Fiscal note returned.
January 19, 1981	Committee recommend bill do pass. Report adopted. Statement of intent attached.
January 20, 1981	Bill printed and placed on members' desks.
January 21, 1981	Second reading, pass consideration.
January 22, 1981	On motion, taken from second reading and rereferred to Committee on Public Health, Welfare, and Safety. Motion adopted.
January 26, 1981	Committee recommend bill do pass. Report adopted.
January 27, 1981	Bill printed and placed on members' desks.
January 28, 1981	Second reading, do pass.
January 29, 1981	Correctly engrossed.
January 30, 1981	Third reading, passed. Transmitted to House.

IN THE HOUSE

January 31, 1981	Introduced and referred to Committee on Human Services.
March 6, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 9, 1981	Second reading, concurred in. Rereferred to Committee on Appropriations.
March 21, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 28, 1981	Second reading, concurred in as amended.
March 30, 1981	On motion to suspend rules and allow bill to be transmitted on 71st legislative day. Motion adopted.
March 31, 1981	Third reading, concurred in as amended. Ayes, 83; Noes, 7.

IN THE SENATE

April 1, 1981	Returned from House with amendments.
April 3, 1981	Second reading, amendments concurred in.
April 6, 1981	Third reading, amendments concurred in. Ayes, 48; Noes, 0. Sent to enrolling. Reported correctly enrolled.

1 SENATE BILL NO. 37
2 INTRODUCTION BY HIMSL
3 BY REQUEST OF
4 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES
5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A MONTANA
7 TUMOR REGISTRY AND TO REQUIRE REPORTING BY HOSPITALS OF
8 INFORMATION ON PATIENTS WITH TUMORS."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 Section 1. Short title. [This act] may be cited as the
12 "Tumor Registry Act".
13 Section 2. Definitions. As used in [this act], the
14 following definitions apply:
15 (1) "Department" means the department of health and
16 environmental sciences provided for in Title 2, chapter 15,
17 part 21.
18 (2) "Hospital" means a facility providing, by or under
19 the supervision of licensed physicians, services for medical
20 diagnosis, treatment, rehabilitation, and care of injured,
21 disabled, or sick persons.
22 (3) "Medical services" means diagnosis or treatment of
23 illness in a human being by or under the supervision of a
24 physician licensed to practice medicine in Montana.
25 Section 3. Duty to report tumors. A hospital that

1 provides to any person medical services relating to a tumor
2 designated as reportable by the department shall report to
3 the department all medical and personal information relevant
4 to that person's treatment on forms provided by the
5 department.
6 Section 4. Confidentiality. Information received by the
7 department pursuant to [this act] may not be released
8 unless:
9 (1) it is in statistical, nonidentifiable form;
10 (2) the provisions of 50-16-311 are satisfied;
11 (3) the release or transfer is to a person or
12 organization that is qualified to perform data processing or
13 data analysis and that has safeguards against unauthorized
14 disclosure of that information; or
15 (4) the release or transfer is to a central tumor
16 registry of another state and is of information concerning a
17 person who is residing in that state.
18 Section 5. Tumor registry. The department shall
19 maintain a registry containing the names of all persons
20 reported to it and all other information submitted to the
21 department concerning those persons pursuant to [section 3].
22 Section 6. Rules. The department may adopt rules
23 implementing [this act], including:
24 (1) the types of tumors that are reportable; and
25 (2) the information on each patient having a reportable

1 tumor that must be submitted to the department.

2 Section 7. Civil penalty -- injunction. (1) A hospital
3 that violates [this act] is subject to a civil penalty not
4 to exceed \$500. The department, the attorney general, or
5 upon request of the department, the county attorney of the
6 county in which the hospital is located may petition the
7 district court to impose, assess, and recover the civil
8 penalty. Money collected as a civil penalty shall be
9 deposited in the state general fund.

10 (2) The attorney general, the department, or upon
11 request of the department, the county attorney of the county
12 in which the hospital is located may bring an action to
13 enjoin a violation of any provision of [this act], in
14 addition to or exclusive of the remedy in subsection (1).

15 Section 8. Severability. If a part of this act is
16 invalid, all valid parts that are severable from the invalid
17 part remain in effect. If a part of this act is invalid in
18 one or more of its applications, the part remains in effect
19 in all valid applications that are severable from the
20 invalid applications.

-End-

STATE OF MONTANA

REQUEST NO. 11-81

FISCAL NOTE

Form BD-15

In compliance with a written request received _____, 19____, there is hereby submitted a Fiscal Note
on Senate Bill 37 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).
Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members
of the Legislature upon request.

Description of Proposed Legislation

A proposal to establish a tumor registry and to require reporting by hospitals of
information on patients with tumors.

Fiscal Impact

Figures taken from the Governor's recommended budget:

	<u>FY 1982</u>	<u>FY 1983</u>	<u>Total Biennium</u>
Increased expenditure under proposed law (General Fund)	\$40,000	\$40,000	<u>\$80,000</u>

The above figures were taken from Governor Schwinden's amended budget.

David M Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-12-81

1 STATEMENT OF INTENT

2 SENATE BILL 37

3 Senate Public Health, Welfare and Safety Committee

4
5 A statement of intent is required for this bill because
6 it creates rulemaking authority for the Department of Health
7 and Environmental Sciences to administer a Montana Central
8 Tumor Registry. Rulemaking is primarily necessary to
9 implement Section 3, which requires a hospital to report to
10 the Department medical and personal information relevant to
11 the treatment of any person having a tumor listed as
12 reportable by the Department and given hospital medical
13 services relating to that tumor. Rules would list precisely
14 which tumors would be reportable and specify the information
15 on each tumor patient to be reported. Those tumors most
16 likely to be included are malignant neoplasms; carcinoid
17 tumors, whether malignant, benign, or NOS ("not otherwise
18 specified"); and benign tumors of the brain; but others may
19 be added if their reporting becomes significant either
20 statistically or as an aid to patient treatment, or they are
21 requested to be added by physicians or hospitals.

22 As for the information to be reported, the rules will
23 ask for:

24 (1) Medical and personal information on patients with
25 tumors which assists the registry to develop statistics

1 helpful to future health planning and medical treatment such
2 as those showing survival rates for different types of cases
3 and treatments, rates of certain cancers in areas of Montana
4 or particular occupations, etc. (e.g. diagnosis made;
5 medication and/or therapy given; occupation, sex and age of
6 patient).

7 (2) Sufficient information to allow the registry to
8 track and facilitate follow-up treatment of tumor cases
9 (e.g. name; address; physician; hospital; and any subsequent
10 treatment by hospital, whether or not tumor-related; social
11 security number).

12 First adopted by the Senate Public Health, Welfare, and
13 Safety Committee on the 26th day of January, 1981.

Public Health, Welfare & Safety

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2 INTRODUCED BY HMSL

3 BY REQUEST OF

4 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

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6 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A MONTANA

7 TUMOR REGISTRY AND TO REQUIRE REPORTING BY HOSPITALS OF

8 INFORMATION ON PATIENTS WITH TUMORS."

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10 SO IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Short title. [This act] may be cited as the

12 "Tumor Registry Act".

13 Section 2. Definitions. As used in [this act], the

14 following definitions apply:

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16 environmental sciences provided for in Title 2, chapter 15,

17 part 21.

18 (2) "Hospital" means a facility providing, by or under

19 the supervision of licensed physicians, services for medical

20 diagnosis, treatment, rehabilitation, and care of injured,

21 disabled, or sick persons.

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23 illness in a human being by or under the supervision of a

24 physician licensed to practice medicine in Montana.

25 Section 3. Duty to report tumors. A hospital that

1 provides to any person medical services relating to a tumor

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3 the department all medical and personal information relevant

4 to that person's treatment on forms provided by the

5 department.

6 Section 4. Confidentiality. Information received by the

7 department pursuant to [this act] may not be released

8 unless:

9 (1) it is in statistical, nonidentifiable form;

10 (2) the provisions of 50-16-311 are satisfied;

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12 organization that is qualified to perform data processing or

13 data analysis and that has safeguards against unauthorized

14 disclosure of that information; or

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16 registry of another state and is of information concerning a

17 person who is residing in that state.

18 Section 5. Tumor registry. The department shall

19 maintain a registry containing the names of all persons

20 reported to it and all other information submitted to the

21 department concerning those persons pursuant to [section 3].

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23 implementing [this act], including:

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LC 0229/01

1 tumor that must be submitted to the department.

2 Section 7. Civil penalty -- injunction. (1) A hospital
3 that violates [this act] is subject to a civil penalty not
4 to exceed \$500. The department, the attorney general, or
5 upon request of the department, the county attorney of the
6 county in which the hospital is located may petition the
7 district court to impose, assess, and recover the civil
8 penalty. Money collected as a civil penalty shall be
9 deposited in the state general fund.

10 (2) The attorney general, the department, or upon
11 request of the department, the county attorney of the county
12 in which the hospital is located may bring an action to
13 enjoin a violation of any provision of [this act], in
14 addition to or exclusive of the remedy in subsection (1).

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25 tumors which assists the registry to develop statistics

1 helpful to future health planning and medical treatment such
2 as those showing survival rates for different types of cases
3 and treatments, rates of certain cancers in areas of Montana
4 or particular occupations, etc. (e.g. diagnosis made;
5 medication and/or therapy given; occupation, sex and age of
6 patient).

7 (2) Sufficient information to allow the registry to
8 track and facilitate follow-up treatment of tumor cases
9 (e.g. name; address; physician; hospital; and any subsequent
10 treatment by hospital, whether or not tumor-related; social
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24 physician licensed to practice medicine in Montana.

25 Section 3. Duty to report tumors. A hospital that

1 provides to any person medical services relating to a tumor
2 designated as reportable by the department shall ~~report~~ MAKE
3 AVAILABLE to the department all medical and personal
4 information relevant to that person's treatment ~~on forms~~
5 ~~provided by the department~~ PROVIDED THAT THE PATIENT
6 PREVIOUSLY HAS CONSENTED TO THE RELEASE OF THE INFORMATION
7 ON FORMS PROVIDED BY THE DEPARTMENT.8 Section 4. Confidentiality. Information received by
9 the department pursuant to [this act] may not be released
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14 ~~INFORMATION TO THE DEPARTMENT BY THE HOSPITAL;~~15 (3) the release or transfer is to a person or
16 organization that is qualified to perform data processing or
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 - 4 (2) the information on each patient having a
- 5 reportable tumor that must be submitted to the department.

6 ~~Section 7. Civil penalty-----injunctions----(1)---A~~
 7 ~~hospital--that--violates--[this--act]--is--subject--to--a--civil~~
 8 ~~penalty--not--to--exceed--\$500.---The--department,--the--attorney~~
 9 ~~general,--or--upon--request--of--the--department,--the--county~~
 10 ~~attorney--of--the--county--in--which--the--hospital--is--located--may~~
 11 ~~petition--the--district--court--to--impose,--assess,--and--recover~~
 12 ~~the--civil--penalty.---Money--collected--as--a--civil--penalty--shall~~
 13 ~~be--deposited--in--the--state--general--funds.~~

14 ~~(2)---The--attorney--general,--the--department,--or--upon~~
 15 ~~request--of--the--department,--the--county--attorney--of--the--county~~
 16 ~~in--which--the--hospital--is--located--may--bring--an--action--to~~
 17 ~~enjoin--a--violation--of--any--provision--of--[this--act],--in~~
 18 ~~addition--to--or--exclusive--of--the--remedy--in--subsection--(1).~~

19 ~~SECTION 7. CIVIL PENALTY-----INJUNCTION.----- (1)---A~~
 20 ~~HOSPITAL--THAT--VIOLATES--[THIS--ACT]--IS--SUBJECT--TO--A--CIVIL~~
 21 ~~PENALTY--NOT--TO--EXCEED--\$500.---THE--DEPARTMENT,--THE--ATTORNEY~~
 22 ~~GENERAL,--OR--UPON--REQUEST--OF--THE--DEPARTMENT,--THE--COUNTY~~
 23 ~~ATTORNEY--OF--THE--COUNTY--IN--WHICH--THE--HOSPITAL--IS--LOCATED--MAY~~
 24 ~~PETITION--THE--DISTRICT--COURT--TO--IMPOSE,--ASSESS,--AND--RECOVER~~
 25 ~~THE--CIVIL--PENALTY.---MONEY--COLLECTED--AS--A--CIVIL--PENALTY--SHALL~~

1 ~~BE DEPOSITED IN THE STATE GENERAL FUND.~~

2 ~~(2)---THE--ATTORNEY--GENERAL,--THE--DEPARTMENT,--OR--UPON~~
 3 ~~REQUEST--OF--THE--DEPARTMENT,--THE--COUNTY--ATTORNEY--OF--THE--COUNTY~~
 4 ~~IN--WHICH--THE--HOSPITAL--IS--LOCATED--MAY--BRING--AN--ACTION--TO~~
 5 ~~ENJOIN--A--VIOLATION--OF--ANY--PROVISION--OF--[THIS--ACT],--IN~~
 6 ~~ADDITION--TO--OR--EXCLUSIVE--OF--THE--REMEDY--IN--SUBSECTION--(1).~~

7 Section 7. Severability. If a part of this act is
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 9 part remain in effect. If a part of this act is invalid in
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 11 in all valid applications that are severable from the
 12 invalid applications.

-End-

House amendment to Senate Bill 37:

1. Page 3, lines 2 through 14.
Strike: lines 2 through 14 in their entirety
Renumber: subsequent section

House amendments to Senate Bill 37:

Strike amendments 2 and 3

Reinstate section 7

HUMAN SERVICES COMMITTEE OF THE HOUSE

AMENDMENT FOR SB 37

1. Page 2, line 2.

Following: "shall"

Strike: "report"

Insert: "make available"

2. Page 2, lines 4 and 5.

Following: "treatment"

Strike: remainder of lines 4 and 5 in their entirety

Insert: "provided that the patient previously has consented to the release of the information."

3. Page 2, line 10.

Following: "satisfied"

Insert: "and the patient has consented to the initial release of the information to the department by the hospital"

4. Page 3, lines 2 through 14.

Strike: Section 7 in its entirety

Renumber: subsequent section