# SENATE BILL NO. 37

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## 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 con- sideration.
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 engroased.
January	30, 1981	Third reading, passed. Transmitted to House.

# IN THE HOUSE

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January 31, 1981	Introduced and referred to Committee on Numan 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 trans- mitted 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.

\_\_\_\_SENATE\_\_\_BILL NO. \_37\_\_\_\_ 1 INTRODUCED BY \_\_\_\_\_HIMSL 2 BY REQUEST OF 3 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES 4 c ó A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A MONTANA 7 TUMOR REGISTRY AND TO REQUIRE REPORTING BY HOSPITALS OF INFORMATION ON PATIENTS WITH TUMORS." a 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". Section 2. Definitions. As used in [this act], the 13 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 megicine in Montana. 25 Section 3. Duty to report tumors. A hospital that

provides to any person medical services relating to a tumor 1 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 3 unless: 9 (1) it is in statistical, nonidentifiable form; 10 (2) the provisions of 50-16-311 are satisfied; (3) the release or transfer is to a person or 11 organization that is qualified to perform data processing or 12 data analysis and that has safeguards against unauthorized 13 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 reported to it and all other information submitted to the 20 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

-2- INTRODUCED BILL 5/337

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-

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# STATE OF MONTANA

REQUEST NO. 11-81

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#### FISCAL NOTE

Form BD-15

n compliance with a written request received	, 19, there is hereby submitted a Fiscal Note
or <u>Senate Bill 37</u> pursuant to 'Title 5, Chapter 4	, Part 2 of the Montana Code Annotated (MCA).
Background information used in developing this Fiscal Note is available fro	om 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:

	FY 1982	FY 1983	Biennium
Increased expenditure under proposed law (General Fund)	\$40,000	\$40,000	\$80,000

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

BUDGET DIRECTOR Office of Budget and Program Planning Date: (-) 2 - 5/

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1 STATEMENT OF INTENT

#### SENATE BILL 37

3 Senate Public Health, Welfare and Safety Committee

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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 а 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 reportable by the Department and given hospital medical 12 13 services relating to that tumor. Rules would list precisely 14 which tumors would be reportable and specify the information 1 on each tumor patient to be reported. Those tumors most likely to be included are malignant neoplasms; carcinoid 16 17 tumors, whether malignant, benign, or NOS ("not otherwise specified"); and benign tumors of the brain; but others may 18 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 will23 ask for:

24 (1) Medical and personal information on patients with25 tumors which assists the registry to develop statistics

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

1	<u>SENATE_</u> ant NG. <u>37</u>	1
2	INTRODUCED BYHIMSL	2
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4	THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES	4
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ć	A BILL FOR AN ACT ENTITLED: MAN ACT TO ESTABLISH A MENTANA	e
7	TUMOR REGISTRY AND TO REQUIRE REPORTING BY HUSPITALS OF	ר
43	INFORMATION ON PATIENTS WITH TUNORS."	ç
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16	VE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	10
11	Section 1. Short title. [This act] may be cited as the	11
12	"Tumor Registry Act".	12
13	Section 2. Definitions. As used in [this ect], the	13
14	following definitions apply:	14
15	(1) "Department" means the department of health and	15
16	environmental sciences provided for in Title 2, chapter 15,	16
17	part 21.	17
18	(2) "Hospital" means a facility previding, by or under	18
19	the supervision of licensed physicians, services for medical	19
20	diagnosis, treatment, rahabilitation, and care of injurad,	20
21	disabled, or sick persons.	23
<b>2</b> 2	(3) "Medical services" means diagnosis or treatment of	22
23	illness in a human being by or under the supervision of a	23
24	physician licensed to practice medicine in Montana.	24
25	Section 3. Duty to report tumors. A hospital that	25

provides to any person medical services relating to a tumor designated as reportable by the department shall report to the department all medical and personal information relevant to that person's treatment on forms provided by the 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;

0 (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

(4) the release or transfer is to a central tumor
registry of another state and is of information concerning a
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:

4 (1) the types of tumors that are reportable; and

5 (2) the information on each patient having a reportable

-2- SECOND READING SB 37

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 county in which the hospital is located may petition, the 6 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 hespital 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).

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

~End-

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S8 37

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12 First adopted by the Senate Public Health, Welfare, and

13 Safety Committee on the 26th day of Januaryy 1981.

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#### 47th Legislature

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LC 0229/01

1 \_\_\_SENATE\_\_\_ BILL NO. \_37\_\_\_\_ 2 INTRODUCED BY \_\_\_\_HIMSL\_\_\_\_ 3 BY REQUEST OF 4 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES e, A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A MONTANA 6 TUMOR REGISTRY AND TO REQUIRE REPORTING BY HOSPITALS OF 7 8 INFORMATION ON PATIENTS WITH TUMORS." 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Short title. [This act] may be cited as the 11 "Tumor Registry Act". 12 Section 2. Definitions. As used in [this act], the 13 14 following definitions apply: (1) "Department" means the department of health and 15 environmental sciences provided for in Title 2, chapter 13, 16 17 part 21. (2) "Hospital" means a facility providing, by or under 13 19 the supervision of licensed physicians, services for medical diagnosis, treatment, rehabilitation, and care of injured, 20 21 disabled, or sick persons. 22 (3) "Medical services" means diagnosis or treatment of

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25 (2) the information on each patient having a reportable

-2- THIRD READING SB 37

LC 0229/01

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-End-

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SB 37

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2	SENATE BILL 37
3	Senate Public Health, Welfare and Safety Committee
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12 First adopted by the Senate Public Health, Welfare, and

13 Safety Committee on the 26th day of January, 1981.

S8 37

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SB 0037/02

SB 0037/02

1	SENATE BILL NO. 37	1	provides to any person medical services relating to a tumor
2	INTRODUCED BY HINSL	2	designated as reportable by the department shall report MAKE
3	BY REQUEST OF	3	<u>AVAILABLE</u> to the department all medical and personal
4	THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES	4	information relevant to that person's treatment onforms
5		5	providedbythedepartment <u>PROVIDEDTHATTHEPATIENT</u>
6	A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A MONTANA	6	<u>PREVIOUSLY-HAS-EONSENTED-TO-THE-RELEASE-OFIHEINFORMATION</u>
7	TUMOR REGISTRY AND TO REQUIRE REPORTING BY HOSPITALS OF	7	ON FORMS PROVIDED BY THE DEPARTMENT.
8	INFORMATION ON PATIENTS WITH TUMORS."	8	Section 4. Confidentiality. Information received by
9		9	the department pursuant to [this act] may not be released
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	10	unless:
11	Section 1. Short title. [This act] may be cited as the	11	(1) it is in statistical, nonidentifiable form;
12	"Tumor Registry Act".	12	(2) the provisions of 50-16-311 are satisfied <u>ANB-THE</u>
13	Section 2. Definitions. As used in [this act], the	13	PATIENT-HASEONSENTED-TBTHEINITIALRELEASEOFTHE
14	following definitions apply:	14	INFORMATION-TO-THE-DEPARTMENT-BY-THE-HOSPITAL;
15	(1) "Department" means the department of health and	15	(3) the release or transfer is to a person or
16	environmental sciences provided for in Title 2, chapter 15,	16	organization that is qualified to perform data processing or
17	part 21.	17	data analysis and that has safeguards against unauthorized
18	(2) "Hospital" means a facility providing, by or under	18	disclosure of that information; or
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23	illness in a human being by or under the supervision of a	23	maintain a registry containing the names of all persons
24	physician licensed to practice medicine in Hontana.	24	reported to it and all other information submitted to the
25	Section 3. Duty to report tumors. A hospital that	25	department concerning those persons pursuant to [section 3].
			-2- SB 37

REFERENCE BILL

#### SB 0037/02

Secure Control of the Control of the

l	Section 6. Rules. The department may adopt rules
2	implementing [this act]+ including:
3	<ol> <li>the types of tumors that are reportable; and</li> </ol>
4	(2) the information on each patient having a
5	reportable tumor that must be submitted to the department.
6	Section-7CivilpenaltyinjunctionfilA
7	hospitalthatviolates{thisact]is-subject-to-a-civil
8	<del>penalty-not-to-exceed-\$500xThedepartmentytheattorney</del>
9	generalyoruponrequestofthedepartmenty-the-county
10	attorney-of-the-county-in-which-the-hospital-is-locatedmay
11	p <del>etitiont</del> hedistrict-court-to-impose+-assess+-and-recover
12	the-civit-penalty-Money-collected-as-a-civit-penaltyshall
13	be-deposited-in-the-state-general-fund*
14	<del>{2}</del>
15	request-of-the-departmenty-the-county-attorney-of-the-county
16	in-which-the-hospital-is-locatedmaybringanactionto
17	enjoinaviolationofanyprovisionof{this-act]v-in
18	addition-to-or-exclusive-of-the-remedy-in-subsection-(1)+
19	SEETION_7EIVIL-PENALTYENJUNETION
20	HOSPITALTHATVIOLATESFTHISAETJIS-SUBJEET-TO-A-EIVIL
21	<u>PENALTY-NOT-TO-EXCEED-\$500+THEDEPARTMENT+THEATTORNEY</u>
22	<u>GENERALYURUPONREQUESTOFTHEDEPARTMENTY-THE-EQUNTY</u>
2 <b>3</b>	<u>AFFORNEY-OF-FHE-EOUNTY-IN-WHICH-THE-HOSPIIAL-IS-LOCATEDMAY</u>
24	<u>PETITIONTHEDISTRICT-COURT-TO-IMPOSEY_ASSESSY-AND_RECOVER</u>
25	<u>ŦHE-EIVIL-PENALTY#-MONEY-E0LLEETED-AS-A-EIVIL-PENALTY-SHALL</u>
	-3- SB 37

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#### 1 BE-BEPBSTTED-IN-THE-STATE-GENERAL-FUND

2	<u> </u>
3	<u>REQUEST-OF-THE-BEPARTMENTY-THE-EOUNTY-ATTORNEY-DE-THE-EOUNTY</u>
4	<del>IN-WHICH-IHE-HOSPITAL-IS-LOCATEDMAYBRINGANACTIONID</del>
5	<u>ENJOINAVIOLATIONOFANYPROVISIONOFFTHIS-ACTIV-IN</u>
6	ADDITION-TU-UR-EXELUSIVE-OF-THE_REMEDY-IN-SUBSEETION_111*
7	Section 7. Severability. If a part of this act is
8	invalid, all valid parts that are severable from the invalid
9	part remain in effect. If a part of this act is invalid in
10	one or more of its applications, the part remains in effect
11	in all valid applications that are severable from the
12	invatid applications.

-End-

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SB 37

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