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*House BILL NO. 370*  
*SPONSOR*  
*Patricia Watson*  
*Lara Spencer*

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE TUMOR REGISTRY ACT TO EXPAND REPORTING REQUIREMENTS TO CERTAIN HEALTH CARE PRACTITIONERS AND CERTAIN HEALTH CARE FACILITIES OTHER THAN HOSPITALS; ALLOWING RELEASE OF TUMOR REGISTRY INFORMATION TO CERTAIN HEALTH CARE PRACTITIONERS AND ALLOWING RELEASE PURSUANT TO THE GOVERNMENT HEALTH CARE INFORMATION ACT AND NOT THE UNIFORM HEALTH CARE INFORMATION ACT; PROVIDING PROTECTION FROM LIABILITY FOR PERSONS REPORTING TUMORS AND PERSONS LAWFULLY USING TUMOR INFORMATION IN COMPLIANCE WITH THE TUMOR REGISTRY ACT; AND AMENDING SECTIONS 50-15-702, 50-15-703, AND 50-15-704, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 50-15-702, MCA, is amended to read:

**"50-15-702. Definitions.** As used in this part, the following definitions apply:

(1) "Department" means the department of public health and human services provided for in 2-15-2201.

(2) "Health care practitioner" means a person licensed pursuant to Title 37, chapter 3, to practice medicine or pursuant to Title 37, chapter 4, to practice dentistry.

~~(2)~~(3) "Hospital" means a facility that provides, by or under the supervision of licensed physicians, services for medical diagnosis, treatment, rehabilitation, and care of injured, disabled, or sick persons.

~~(3)~~(4) "Medical services" means diagnosis or treatment of illness in a human being by or under the supervision of a ~~physician licensed under Title 37, chapter 3, to practice medicine in Montana~~ health care practitioner."

**Section 2.** Section 50-15-703, MCA, is amended to read:

**"50-15-703. Duty to report tumors.** ~~A hospital that provides to any person medical services relating to a tumor designated as reportable by the department or a clinical laboratory, as defined in 50-5-101, that is not owned or operated by a hospital and that provides laboratory services relating to such~~

1 ~~a tumor shall make available~~ The following persons or entities shall report to the department on forms  
 2 provided by the department all medical and personal information as specified in rules of the department and  
 3 laboratory results ~~relevant pertaining to that person's~~ the treatment and condition on forms provided by the  
 4 ~~department~~ of a person with a reportable tumor:

5 (1) a hospital that provides medical services relating to the tumor;

6 (2) a clinical laboratory, as defined in 50-5-101, that is not owned or operated by a hospital and  
 7 that provides laboratory services relating to the tumor; and

8 (3) a health care practitioner or health care facility, not covered by subsection (1) or (2), providing  
 9 medical services relating to the tumor."

10  
 11 **Section 3.** Section 50-15-704, MCA, is amended to read:

12 **"50-15-704. Confidentiality.** Information received by the department pursuant to this part may  
 13 not be released unless:

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

15 (2) the provisions of Title 50, chapter 16, part ~~6~~ 6, are satisfied;

16 (3) the release or transfer is to a person or organization that is qualified to perform data processing  
 17 or data analysis and that has safeguards against unauthorized disclosure of that information; ~~or~~

18 (4) the release or transfer is to a central tumor registry of another state and is of information  
 19 concerning a person who is residing in that state; or

20 (5) the release is to a health care practitioner or health care facility that is providing or has provided  
 21 medical services to a person who has or has had a reportable tumor."

22  
 23 **NEW SECTION. Section 4. Immunity from liability.** A person other than the department may not  
 24 be held liable in a civil or criminal action for complying with the reporting requirements of 50-15-703 or for  
 25 lawfully using information provided by the tumor registry in a manner that does not violate the Tumor  
 26 Registry Act.

27  
 28 **NEW SECTION. Section 5. Codification instruction.** [Section 4] is intended to be codified as an  
 29 integral part of Title 50, chapter 15, part 7, and the provisions of Title 50, chapter 15, part 7, apply to  
 30 [section 4].

-END-

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*Sponsor*  
*House BILL NO. 370*  
*Kathleen Waters Lane Agnew*

INTRODUCED BY

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~~(2)(3)~~ "Hospital" means a facility that provides, by or under the supervision of licensed physicians, services for medical diagnosis, treatment, rehabilitation, and care of injured, disabled, or sick persons.

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~~a tumor shall make available~~ The following persons or entities shall report to the department on forms provided by the department all medical and personal information as specified in rules of the department and laboratory results relevant pertaining to that person's the treatment and condition on forms provided by the department of a person with a reportable tumor:

(1) a hospital that provides medical services relating to the tumor;

(2) a clinical laboratory, as defined in 50-5-101, that is not owned or operated by a hospital and that provides laboratory services relating to the tumor; and

(3) a health care practitioner or health care facility, not covered by subsection (1) or (2), providing medical services relating to the tumor."

**Section 3.** Section 50-15-704, MCA, is amended to read:

**"50-15-704. Confidentiality.** Information received by the department pursuant to this part may not be released unless:

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(3) the release or transfer is to a person or organization that is qualified to perform data processing or data analysis and that has safeguards against unauthorized 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; or

(5) the release is to a health care practitioner or health care facility that is providing or has provided medical services to a person who has or has had a reportable tumor."

**NEW SECTION. Section 4. Immunity from liability.** A person other than the department may not be held liable in a civil or criminal action for complying with the reporting requirements of 50-15-703 or for lawfully using information provided by the tumor registry in a manner that does not violate the Tumor Registry Act.

**NEW SECTION. Section 5. Codification instruction.** [Section 4] is intended to be codified as an integral part of Title 50, chapter 15, part 7, and the provisions of Title 50, chapter 15, part 7, apply to [section 4].

-END-

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Sponsor  
*House* BILL NO. *370*  
*Kathleen Waters Lane Aguirre*

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 19 concerning a person who is residing in that state; or

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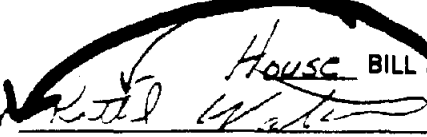
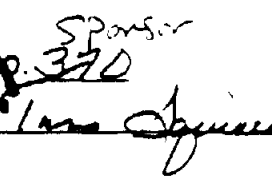
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23 **NEW SECTION. Section 4. Immunity from liability.** A person other than the department may not  
 24 be held liable in a civil or criminal action for complying with the reporting requirements of 50-15-703 or for  
 25 lawfully using information provided by the tumor registry in a manner that does not violate the Tumor  
 26 Registry Act.

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28 **NEW SECTION. Section 5. Codification instruction.** [Section 4] is intended to be codified as an  
 29 integral part of Title 50, chapter 15, part 7, and the provisions of Title 50, chapter 15, part 7, apply to  
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-END-

Sponsor  
 House BILL NO. 370

INTRODUCED BY

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-END-



HOUSE BILL NO. 370

INTRODUCED BY TUSS, KOTTEL, WATERMAN, SQUIRES

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE TUMOR REGISTRY ACT TO EXPAND REPORTING REQUIREMENTS TO CERTAIN HEALTH CARE PRACTITIONERS AND CERTAIN HEALTH CARE FACILITIES OTHER THAN HOSPITALS; ALLOWING RELEASE OF TUMOR REGISTRY INFORMATION TO CERTAIN HEALTH CARE PRACTITIONERS AND ALLOWING RELEASE PURSUANT TO THE GOVERNMENT HEALTH CARE INFORMATION ACT AND NOT THE UNIFORM HEALTH CARE INFORMATION ACT; PROVIDING PROTECTION FROM LIABILITY FOR PERSONS REPORTING TUMORS AND PERSONS LAWFULLY USING TUMOR INFORMATION IN COMPLIANCE WITH THE TUMOR REGISTRY ACT; AND AMENDING SECTIONS 50-15-702, 50-15-703, AND 50-15-704, MCA."

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