

LEGISLATIVE BILL 925

Approved by the Governor April 14, 1986

Introduced by Public Health & Welfare Committee, Wesely,
26, Chairperson; Withem, 14; Lynch, 13;
Hall, 7

AN ACT relating to the Department of Health; to amend sections 81-638 and 81-645 to 81-647, Revised Statutes Supplement, 1984; to provide for funding of the cancer registry and associated expenses; to provide a limitation on funding; to provide powers and duties; to change provisions relating to the cancer registry; to abolish the Cancer Registry Fund; and to repeal the original sections, and also section 81-641, Revised Statutes Supplement, 1984.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 81-638, Revised Statutes Supplement, 1984, be amended to read as follows:

81-638. The Nebraska Cancer Research Fund is hereby created. The Legislature shall appropriate each year from the Nebraska Cancer Research Fund to the Department of Health an amount derived from one cent of the cigarette tax imposed by Chapter 77, article 26, less any amount appropriated from the Nebraska Cancer Research Fund specifically to the University of Nebraska Eppley Institute for Research in Cancer and Allied Diseases. Any money in the Nebraska Cancer Research Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269. The director shall, after deducting expenses incurred in the administration of such funds, distribute such funds exclusively for grants and contracts for research of cancer and smoking diseases, for funding the cancer registry prescribed in sections 81-642 to 81-650, and for associated expenses of the Department of Health due to the establishment and maintenance of such cancer registry. Not more than ten per cent of the remainder of the amount generated by one cent of the cigarette tax imposed by Chapter 77, article 26, reduced by the amount appropriated from such amount for the University of Nebraska Eppley Institute for Research in Cancer and Allied Diseases, shall be used for funding the cancer registry and associated expenses. The University of

Nebraska may receive such grants and contracts and other postsecondary institutions having colleges of medicine located in the State of Nebraska may receive such contracts.

Sec. 2. That section 81-645, Revised Statutes Supplement, 1984, be amended to read as follows:

81-645. In order to implement the intent and purposes of sections 81-642 to 81-650, the department shall:

(1) Adopt and promulgate necessary rules and regulations, including rules and regulations for the frequency and form of information submitted;

(2) Execute contracts that the department considers necessary;

(3) Receive and record the data obtained from the medical records of persons having cancer;

(4) Compile and publish a statistical report annually or at reasonable intervals containing information obtained from patient data pursuant to sections 81-642 to 81-650 in order to provide accessible information useful to physicians, medical personnel, and the public;

(5) Comply with all necessary requirements in order to obtain funds or grants; and

(6) Coordinate with existing statewide cancer registry programs to the extent feasible; and

(7) ~~(6)~~ Consult with medical professionals, and hospital tumor registries, registry and medical records representatives in formulating the plans and policies of the cancer registry program.

Sec. 3. That section 81-646, Revised Statutes Supplement, 1984, be amended to read as follows:

81-646. (1) On the request of the department or its authorized representative, ~~each hospital within the state shall;~~ and each medical doctor, osteopath, or dentist within the state may produce and make available to the department or its authorized representative, in a manner prescribed by the department, data which the department determines is necessary and appropriate from each medical record of cancer under the ~~hospital's;~~ doctor's, osteopath's, or dentist's custody or control.

(2) Each hospital within the state shall make available to the department or its authorized representative on presentation of proper identification of the department's representative, a list of names of cancer patients, corresponding medical records numbers, and medical records which document the diagnosis and treatment of cancer on the premises of the hospital, office, or clinic during normal working hours, for the

purpose of recording specific data about a patient's cancer.

(3) Each hospital that initially diagnoses cancer made reportable by the department for more than fifty patients during a calendar year shall, for the next calendar year, at the request of the department or its authorized representative, produce and make available, in a manner prescribed by the department, data which the department determines is necessary and appropriate from each medical record of cancer under the control of such hospital. Any hospital with fewer than fifty initial diagnoses of cancer may report in the same manner.

(4) ~~(3)~~ The data produced pursuant to subsection (1) of this section shall include, but not be limited to the:

(a) Patient's name, address, and available social security number;

(b) Patient's hospital accession number;

(c) Patient's birthdate, race, and sex;

(d) Date of diagnosis;

(e) Primary site of cancer;

(f) Stage of the disease, including in situ, localized, regional, distant, or metastasis;

(g) Basis of staging, including clinical diagnostic, surgical evaluative, post surgical treatment pathological, or retreatment; and

(h) Diagnostic confirmation.

Sec. 4. That section 81-647, Revised Statutes Supplement, 1984, be amended to read as follows:

81-647. All data obtained ~~directly~~ from medical records of individual patients is for the confidential use of the department and the private or public persons or entities that the department determines may view such records in order to carry out the intent of sections 81-642 to 81-650. Such information shall be privileged and shall not otherwise be divulged or made public so as to disclose the identity of an individual whose medical records have been used for acquiring data. Statistical information collected pursuant to sections 81-642 to 81-650 shall be open and accessible to the public and such statistical information shall not be considered medical records pursuant to section 84-712.05.

Sec. 5. That original sections 81-638 and 81-645 to 81-647, Revised Statutes Supplement, 1984, and also section 81-641, Revised Statutes Supplement, 1984, are repealed.