

A BILL FOR AN ACT

To establish a cancer registry system for the collection of information on the incidence of cancer and related data; to provide for the confidentiality of identifying information regarding individual patients, health care facilities and health care providers; and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1 Section 1. Short title. This Act may be cited as the
2 "Cancer Registry Act."

3 Section 2. Definitions. As used in this Act:

4 (1) "Cancer" means all malignant neoplasms, regardless
5 of the tissue of origin, including malignant lymphoma disease and
6 all benign brain tumors.

7 (2) "Health care facility" means a hospital, nursing
8 home, clinic, community health center, dispensary, office or other
9 institution that provides medical care in the Federated States of
10 Micronesia.

11 (3) "Health care provider" means a physician (M.D.,
12 M.B.B.S., M.O., D.O., or D.D.S)., medex, nurse practitioner,
13 registered nurse, graduate nurse, nurse midwife, practical nurse
14 and/or health assistant in the Federated States of Micronesia.

15 (4) "Secretary" means the Secretary of Health, Education
16 and Social Affairs (HESA) or person designated by the Secretary to
17 compile information, prepare reports, or perform any functions
18 required or permitted under this Act.

19 Section 3. Cancer Registry.

1 (1) "The Secretary and each health facility and health
2 care provider shall jointly establish a uniform, nation-wide
3 population-based cancer registry system for the collection of
4 information regarding the incidence of cancer and related data.
5 The Secretary and each health care facility and health care
6 provider shall jointly adopt rules necessary to effect the
7 purposes of this Act.

8 (2) All cancers diagnosed or treated in the FSM shall be
9 reported to the Secretary to compile cancer related data.

10 (3) The Secretary shall establish a training program for
11 the personnel of participating health care facilities and a
12 quality control program for cancer data. The Secretary shall
13 collaborate in studies with clinicians and epidemiologists and
14 publish reports on the results of such studies. The Secretary
15 shall cooperate with the U.S. National Institutes of Health and
16 the Centers for Disease Control in providing cancer incidence
17 data.

18 Section 4. Participation in program.

19 Each health care facility and health care provider diagnosing or
20 providing treatment to cancer patients shall report to the
21 Secretary each cancer case that occurs within that facility or
22 provider's office. Within 120 days of the effective date of this
23 Act, the Secretary and each health care provider and health care
24 facility shall jointly promulgate a plan to set forth the format,
25 content and timing of the report required by this section,

1 including remedies and penalties for non-compliance. Any cancer
2 patient whose diagnosis or treatment is reported to the secretary
3 shall be informed of this fact by the health care facility or
4 health care provider prior to submission of the report. This
5 section shall only apply to cancer cases diagnosed or treated
6 following the effective date of this Act.

7 Section 5. Confidentiality.

8 (1) All information reported pursuant to this Act shall
9 be confidential and privileged. The Secretary shall take strict
10 measures to ensure that all identifying information is kept
11 confidential.

12 (2) All identifying information regarding an individual
13 patient, health care provider or health care facility contained in
14 records of interviews, written reports, letters or statements
15 procured by the Secretary, or by any other person, agency or
16 organization acting jointly with the Secretary, in connection with
17 cancer morbidity and mortality studies shall be confidential and
18 privileged and may be used solely for the purposes of the study.
19 Nothing in this section shall prevent the Secretary from
20 publishing statistical compilations relating to morbidity and
21 mortality studies, which do not identify individual cases or
22 sources of information.

23 Section 6. Disclosure.

24 (1) The Secretary may enter into agreements to exchange
25 confidential information with other cancer registries or health

1 care facilities in order to obtain complete reports of FSM
2 residents diagnosed or treated in other countries, or subdivisions
3 thereof, and to provide information to other countries, and
4 subdivisions thereof, regarding their residents diagnosed or
5 treated in the FSM.

6 (2) The Secretary may furnish statistical information to
7 other nations' cancer registries, cancer control agencies, or
8 health researchers in order to collaborate in a national or
9 regional cancer registry or to collaborate in a cancer control and
10 prevention research studies. Before releasing confidential
11 information, the Secretary shall first obtain evidence of the
12 approval of his or her academic committee for the protection of
13 human subjects or the equivalent.

14 Section 7. Liability.

15 (1) No action for damages arising from the disclosure of
16 confidential or privileged information may be maintained against
17 any person, or the employer or employee of any person, who
18 participates in good faith in the reporting of cancer registry
19 data or data for cancer morbidity or mortality studies in
20 accordance with this Act.

21 (2) No license of a health care facility or health care
22 provider may be denied, suspended or revoked for the good faith
23 disclosure of confidential or privileged information in the
24 reporting of cancer registry data for cancer morbidity or
25 mortality studies in accordance with this Act.

1 (3) Nothing in this section shall be construed to apply
2 to the unauthorized disclosure of confidential or privileged
3 information when such disclosure is due to gross negligence or
4 willful misconduct.

5 Section 8. Effective date. This act shall take effect upon
6 its approval by the President, or upon its becoming law without
7 such approval, except as otherwise provided by law.

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9 Date: 2/1/07

Introduced by: /s/ Simiram Sipenuk

Simiram Sipenuk
(by request)

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