June 20, 2008

The Honorable Isaac V. Figir
Speaker
15th FSM Congress
Palikir, Pohnpei, FM 96941

Dear Speaker Figir:

I am pleased to transmit herewith Congressional Act No. 15-46, which have become Public Law No. 15-39.

Congressional Act No. 15-46, "AN TO FURTHER AMEND TITLE 41 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, BY ENACTING A NEW CHAPTER 11 THEREOF, TO ESTABLISH A CANCER REGISTRY SYSTEM IN THE FEDERATED STATES OF MICRONESIA FOR THE COLLECTION OF INFORMATION ON THE INCIDENCE OF CANCER AND RELATED DATA; TO PROVIDE FOR THE CONFIDENTIALITY OF IDENTIFYING INFORMATION REGARDING CANCER PATIENTS, HEALTH CARE FACILITIES AND HEALTH CARE PROVIDERS; AND FOR OTHER PURPOSES."

Sincerely,

Manny Mori
President

Enclosures:

XC: Chief Justice, FSM Supreme Court
    Secretary, Department of Justice
    Legislative Counsel, CFSC
    Library, CFSC
    Director, SBOC
    PIO, FSM
June 03, 2008

His Excellency Manny Mori  
President  
Federated States of Micronesia  
Palikir, Pohnpei FM 96941

Dear Mr. President:

I have the honor to transmit herewith Congressional Act No. 15-46, "AN ACT TO FURTHER AMEND TITLE 41 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, BY ENACTING A NEW CHAPTER 11 THEREOF, TO ESTABLISH A CANCER REGISTRY SYSTEM IN THE FEDERATED STATES OF MICRONESIA FOR THE COLLECTION OF INFORMATION ON THE INCIDENCE OF CANCER AND RELATED DATA; TO PROVIDE FOR THE CONFIDENTIALITY OF IDENTIFYING INFORMATION REGARDING CANCER PATIENTS, HEALTH CARE FACILITIES AND HEALTH CARE PROVIDERS; AND FOR OTHER PURPOSES.", which was passed by the Fifteenth Congress of the Federated States of Micronesia, Fourth Regular Session, 2008, by a two-thirds vote of all the State delegations as required and as duly certified.

Sincerely yours,

Liwiana K. Ramon  
Chief Clerk, Congress of the Federated States of Micronesia

Enclosures
An Act

TO FURTHER AMEND TITLE 41 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, BY ENACTING A NEW CHAPTER 11 THEREOF, TO ESTABLISH A CANCER REGISTRY SYSTEM IN THE FEDERATED STATES OF MICRONESIA FOR THE COLLECTION OF INFORMATION ON THE INCIDENCE OF CANCER AND RELATED DATA; TO PROVIDE FOR THE CONFIDENTIALITY OF IDENTIFYING INFORMATION REGARDING CANCER PATIENTS, HEALTH CARE FACILITIES AND HEALTH CARE PROVIDERS; AND FOR OTHER PURPOSES.

INTRODUCED BY: SENATOR RESIO S. MOSES
DATE: MAY 11, 2007

REFERRED TO: HEALTH, EDUCATION AND SOCIAL AFFAIRS COMMITTEE
FIRST READING: MAY 28, 2008
SECOND READING: MAY 29, 2008

Liwiana K. Ramon
Chief Clerk, FSM Congress
ACT NO. 15-46
(CONGRESSIONAL BILL NO. 15-05, C.D.1)

We hereby certify that on May 29 the foregoing act passed Second and Final Reading of the Fifteenth Congress of the Federated States of Micronesia, Fourth Regular Session, 2008, by a two-thirds vote of all the State delegations as required under article IX, section 20, of the Constitution of the Federated States of Micronesia.

Isaac V. Figir
Speaker
Congress of the Federated States of Micronesia

Liwiana K. Ramon
Chief Clerk
Congress of the Federated States of Micronesia
AN ACT

To further amend title 41 of the Code of the Federated States of Micronesia, as amended, by enacting a new chapter 11 thereof, to establish a Cancer Registry System in the Federated States of Micronesia for the collection of information on the incidence of cancer and related data; to provide for the confidentiality of identifying information regarding cancer 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. Title 41 of the Code of the Federated States of Micronesia, as amended, is hereby further amended by enacting a new chapter 11 entitled "Cancer Registry System Act".

2. Section 2. Title 41 of the Code of the Federated States of Micronesia, as amended, is hereby further amended by adding a new section 1101 of chapter 11 to read as follows:

   "Section 1101. Short title. This chapter shall be known and cited as the 'Cancer Registry System Act'."

3. Section 3. Title 41 of the Code of the Federated States of Micronesia, as amended, is hereby further amended by adding a new section 1102 of chapter 11 to read as follows:

   "Section 1102. Definitions.

   As used in this chapter, the following terms shall have the following meanings set forth below:

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

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

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

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

Section 3. Title 41 of the Code of the Federated States of Micronesia, as amended, is hereby further amended by adding a new section 1103 of chapter 11 to read as follows:

"Section 1103. Cancer Registry.

(1) The Secretary and each health facility and health care provider shall jointly establish a uniform, nationwide population-based cancer registry system for the collection of information regarding the incidence of cancer and related data. The Secretary and each health care facility and health care provider shall jointly
adopt rules necessary to effect the purposes of this 
Act, including the data to be reported and the effective 
date after which reporting by health care facilities and 
health care providers shall be required.

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

Section 4. Title 41 of the Code of the Federated States of 
Micronesia, as amended, is hereby further amended by adding a new 
section 1104 of chapter 11 to read as follows:

"Section 1104. Participation in program. 

Each health care facility and health care provider 
diagnosing or providing treatment to cancer patients 
shall report to the Secretary each cancer case that 
occurs within that facility or provider's office. 

Within 120 days of the effective date of this Act, the 
Secretary and each health care provider and health care 
facility shall jointly promulgate a plan to set forth 
the format, content and timing of the report required by
this section, including remedies and penalties for non-compliance. Any cancer patient whose diagnosis or treatment is reported to the Secretary shall be informed of this fact by the health care facility or health care provider prior to submission of the report. This section shall only apply to cancer cases diagnosed or treated following the effective date of this Act."

Section 5. Title 41 of the Code of the Federated States of Micronesia, as amended, is hereby further amended by adding a new section 1105 of chapter 11 to read as follows:

"Section 1105. Confidentiality.

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

(2) All identifying information regarding an individual patient, health care provider or health care facility contained in records of interviews, written reports, letters or statements procured by the Secretary, or by any other person, agency or organization acting jointly with the Secretary, in connection with cancer morbidity and mortality studies shall be confidential and privileged and may be used solely for the purposes of the study. Nothing in this section shall prevent the Secretary from publishing
1 statistical compilations relating to morbidity and
2 mortality studies, which do not identify individual
3 cases or sources of information."
4 Section 6. Title 41 of the Code of the Federated States of
5 Micronesia, as amended, is hereby further amended by adding a new
6 section 1106 of chapter 11 to read as follows:
7 "Section 1106. Disclosure.
8 (1) The Secretary may enter into agreements to
9 exchange confidential information with other cancer
10 registries or health care facilities in order to obtain
11 complete reports of FSM residents diagnosed or treated
12 in other countries, or subdivisions thereof, and to
13 provide information to other countries, and subdivisions
14 thereof, regarding their residents diagnosed or treated
15 in the FSM.
16 (2) The Secretary may furnish statistical information
17 to other nations' cancer registries, cancer control
18 agencies, or health researchers in order to collaborate
19 in a national or regional cancer registry or to
20 collaborate in cancer control and prevention research
21 studies. Before releasing confidential information, the
22 Secretary shall first obtain evidence of the approval of
23 his or her academic committee for the protection of
24 human subjects or the equivalent."
25 Section 7. Title 41 of the Code of the Federated States of
Micronesia, as amended, is hereby further amended by adding a new section 1107 of chapter 11 to read as follows:

"Section 1107. Liability.

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

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

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

Section 8. Title 41 of the Code of the Federated States of Micronesia, as amended, is hereby further amended by adding a new section 1108 of chapter 11 to read as follows:

"Section 1108. Penalties for unauthorized disclosure of confidential information."
(1) Any person who discloses confidential information obtained for the purposes of this Chapter, except in accordance with this Chapter, shall be guilty of an offense and shall be liable on conviction in a court of law to a fine of $2,000 or to imprisonment for not more than six months, or to both such fine and imprisonment.

Section 9. Effective date. This Act shall take effect upon its approval by the President, or upon its becoming law without such approval, except as otherwise provided by law.

06, 20, 2008

Manny Mori
President
Federated States of Micronesia