

A BILL FOR 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
2 Micronesia, as amended, is hereby further amended by enacting a
3 new chapter 11 entitled "Cancer Registry System Act".

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

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

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

12 "Section 1102. Definitions.

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

15 (1) "Cancer" means all malignant neoplasm's,
16 regardless of the tissue of origin, including malignant
17 lymphoma disease and all benign brain tumors.

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

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

10 (4) "Informed consent" means that a patient has been
11 informed of the Cancer Registry System and understands
12 that their confidential records will be provided to the
13 Secretary and the possible uses of that information.

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

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

22 "Section 1103. Cancer Registry.

23 (a) The Secretary and each health facility and
24 health care provider shall jointly establish a uniform,
25 nation-wide population-based cancer registry system for

1 the collection of information regarding the incidence of
2 cancer and related data. The Secretary and each health
3 care facility and health care provider shall jointly
4 adopt rules necessary to effect the purposes of this
5 Act, including the data to be reported and the effective
6 date after which reporting by health care facilities and
7 health care providers shall be required.

8 (b) If a patient diagnosed or treated in the FSM provides
9 written Informed consent, their diagnosis or treatment
10 shall be reported to the Secretary to compile cancer
11 related data. If a patient diagnosed or treated in the
12 FSM does not provide written consent, their information
13 must not be provided to the Secretary under this
14 Chapter.

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

24 Section 4. Title 41 of the Code of the Federated States of
25 Micronesia, as amended, is hereby further amended by adding a new

1 section 1104 of chapter 11 to read as follows:

2 "Section 1104. Participation in program.

3 Each health care facility and health care provider
4 diagnosing or providing treatment to cancer patients
5 shall report to the Secretary each cancer case that
6 occurs within that facility or provider's office.
7 Within 120 days of the effective date of this Act, the
8 Secretary and each health care provider and health care
9 facility shall jointly promulgate a plan to set forth
10 the format, content and timing of the report required by
11 this section, including remedies and penalties for non-
12 compliance. Any cancer patient whose diagnosis or
13 treatment is reported to the Secretary shall be informed
14 of this fact by the health care facility or health care
15 provider prior to submission of the report. This
16 section shall only apply to cancer cases diagnosed or
17 treated following the effective date of this Act."

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

21 "Section 1105. Confidentiality.

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

1 (b) All identifying information regarding an
2 individual patient, health care provider or health care
3 facility contained in records of interviews, written
4 reports, letters or statements procured by the
5 Secretary, or by any other person, agency or
6 organization acting jointly with the Secretary, in
7 connection with cancer morbidity and mortality studies
8 shall be confidential and privileged and may be used
9 solely for the purposes of the study. Nothing in this
10 section shall prevent the Secretary from publishing
11 statistical compilations relating to morbidity and
12 mortality studies, which do not identify individual
13 cases or sources of information."

14 Section 6. Title 41 of the Code of the Federated States of
15 Micronesia, as amended, is hereby further amended by adding a new
16 section 1106 of chapter 11 to read as follows:

17 "Section 1106. Disclosure.

18 (a) The Secretary may enter into agreements to
19 exchange confidential information with other cancer
20 registries or health care facilities in order to obtain
21 complete reports of FSM residents diagnosed or treated
22 in other countries, or subdivisions thereof, and to
23 provide information to other countries, and subdivisions
24 thereof, regarding their residents diagnosed or treated
25 in the FSM.

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

10 Section 7. Title 41 of the Code of the Federated States of
11 Micronesia, as amended, is hereby further amended by adding a new
12 section 1107 of chapter 11 to read as follows:

13 "Section 1107. Liability.

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

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

1 this Act.

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

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

9 "Section 1108. Penalties for unauthorized
10 disclosure of confidential information.

11 (a) If confidential information obtained for the
12 purposes of this Chapter is disclosed, except in
13 accordance with this Chapter, it shall be considered an
14 offense.

15 (b) The Secretary of the Department of Health,
16 Education and Social Affairs has the authority to issue
17 regulations to determine the penalty for such an
18 offence".

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25 Section 9. Effective date. This Act shall take effect upon

1 its approval by the President, or upon its becoming law without
2 such approval, except as otherwise provided by law.

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4 Date: 5/11/07

Introduced by: /s/ Resio S. Moses

Resio S. Moses

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