

2024 Regular Session

SENATE BILL NO. 342

BY SENATOR HARRIS

HEALTH CARE.Provides relative to the Louisiana Tumor Registry. (gov sig)

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AN ACT

To amend and reenact R.S. 40:1103.3(A), 1103.5(4), 1105.1(1), 1105.3(4), 1105.5, 1105.8.1(D)(1)(b)(iii) and (G), and 1105.9(A)(1), (B), (C)(1), (D), (E), and (F), 1105.12(F)(4), and 1105.13(C) and R.S. 47:120.63, to enact R.S. 40:1105.1(8), and to repeal R.S. 40:1105.11, relative to the Louisiana Tumor Registry; to provide for definitions; to provide for powers and duties of the president of the Louisiana State University System; to provide for requirements for participation in the program; to provide relative to the board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1103.3(A), 1103.5(4), 1105.1(1), 1105.3(4), 1105.5, 1105.8.1(D)(1)(b)(iii) and (G), and 1105.9(A)(1), (B), (C)(1), (D), (E), and (F), 1105.12(F)(4), and 1105.13(C) are hereby amended and reenacted and R.S. 40:1105.1(8) is hereby enacted to read as follows:

§1103.3. Standard written summary of breast cancer alternatives

A. Pursuant to the provisions of this Part and no later than March 1, 2000, the department, in consultation with the Louisiana Cancer ~~and Lung Trust Fund~~ **Advisory** Board, shall develop a standard written summary of the advantages,

1 disadvantages, risks, and descriptions of the procedures regarding medically viable
2 and efficacious alternative methods of treatment for breast cancer including surgical,
3 radiological, or chemotherapeutic treatments or combinations thereof. Thereafter, the
4 department shall review and, if necessary, revise the summary every three years;
5 however, the department shall revise the summary prior to the three-year review if
6 the department determines that new or revised information should be included in the
7 summary.

8 * * *

9 §1103.5. Information and access to breast reconstructive surgery

10 Every hospital licensed by the Louisiana Department of Health pursuant to
11 R.S. 40:2100 et seq., and every Louisiana physician who provides mastectomy
12 surgery, lymph node dissection, or a lumpectomy shall provide information to the
13 patient concerning the option of reconstructive surgery following such procedures,
14 including the availability of coverage for reconstructive surgery, in accordance with
15 the state insurance law and applicable provisions of federal law. The information
16 shall be provided to the patient in writing and in advance of obtaining consent to the
17 surgical procedure. At a minimum, the information provided shall include the
18 following:

19 * * *

20 (4) Other information as may be required by the secretary of health,
21 consistent with information developed by the Louisiana Department of Health and
22 the Louisiana Cancer ~~and Lung Trust Fund~~ **Advisory** Board and circulated to
23 providers and patients by the Louisiana State Board of Medical Examiners.

24 §1105.1. Definitions

25 As used in this Part:

26 (1) "Board" shall mean the Louisiana Cancer ~~and Lung Trust Fund~~ **Advisory**
27 Board.

28 * * *

29 **(8) "Tumor registry", "Cancer registry program", and "statewide**

1 **registry program" shall mean the Louisiana Tumor Registry.**

2 * * *

3 §1105.3. Powers; duties

4 The president shall:

5 * * *

6 (4) Comply with reporting procedures and requirements established by the
7 board for tumor registry **state, the Centers for Disease Control and Prevention,**
8 **and the National Cancer Institute.**

9 * * *

10 §1105.5. Participation in program

11 A. Any ~~health care provider or radiation center~~ **participating hospital**
12 diagnosing or providing treatment to cancer patients shall report each case of cancer
13 to the president in a format prescribed by the president within six months of
14 admission or diagnosis **and shall furnish the data, including but not limited to**
15 **follow-ups, medical history, risk factors, and cancer screening, on each cancer**
16 **patient when requested.** If the facility fails to report in a format prescribed by the
17 president, the president may **remotely access the records or** enter the facility; **and**
18 obtain the information, ~~and report it in the appropriate format.~~ In these cases, the
19 facility shall reimburse the ~~president~~ **Louisiana Tumor Registry** for the cost of
20 obtaining and reporting the information.

21 B. Any ~~health care provider or radiation center~~ diagnosing or providing
22 treatment to cancer patients shall report each cancer case. In addition, health care
23 providers shall furnish follow-up data on each cancer patient when requested.
24 **Participating hospitals shall grant the president access to cancer patient**
25 **records, as well as allow access to all records which would identify cases of**
26 **cancer to ascertain and abstract reportable cancer cases by the statewide**
27 **registry program.**

28 **C. Pathology laboratories, radiation centers, surgery centers, physicians**
29 **and other licensed healthcare facilities and providers shall report cancer cases**

1 **in the required electronic format to the statewide registry program and grant**
 2 **access to cancer patient records. These facilities and providers shall allow access**
 3 **to all records which would identify cases of cancer to ascertain and abstract**
 4 **reportable cancer cases by the statewide cancer registry program.**

5 ~~E.~~ D. Any health care provider ~~or radiation center~~ which provides diagnostic
 6 or treatment services to patients with cancer shall report any additional demographic,
 7 diagnostic, or treatment information requested by the president concerning any
 8 person presently or previously receiving services who has or had a malignant tumor.
 9 Additionally, the president shall have ~~physical~~ access to all records which would
 10 identify cases of cancer or would establish characteristics of the cancer, treatment of
 11 the cancer, or medical status of any identified cancer patient.

12 * * *

13 §1105.8.1. Louisiana Tumor Registry; research committee; disclosure of registry
 14 data

15 * * *

16 D.(1) The director of the tumor registry or his designee shall coordinate the
 17 research committee of the tumor registry. The research committee shall include,
 18 without limitation, the following members:

19 * * *

20 (b) A qualified representative selected from each of the following entities:

21 * * *

22 (iii) The Louisiana Cancer ~~and Lung Trust Fund~~ Advisory Board.

23 * * *

24 G. The tumor registry shall annually prepare a statistical report concerning
 25 cancer rates and counts which includes data at the census tract level, and shall submit
 26 the report to the office of the president for inclusion with the annual cancer report
 27 required by R.S. 40:1105.10. The tumor registry shall also provide the statistical
 28 report required by this Subsection to the Louisiana State University Health Sciences
 29 Center at New Orleans, the Louisiana State University Health Sciences Center at

1 Shreveport, the Louisiana Cancer ~~and Lung Trust Fund~~ Advisory Board, and each
2 participating hospital.

3 * * *

4 §1105.9. Louisiana Cancer ~~and Lung Trust Fund~~ Advisory Board

5 A.(1) There is hereby created the Louisiana Cancer ~~and Lung Trust Fund~~
6 Advisory Board, which shall consist of the following members appointed and
7 reappointed by the governor, to serve at his pleasure, upon recommendation of each
8 institution and organization represented:

9 (a) A representative from Tulane University School of Medicine.

10 (b) A representative from the Louisiana State University ~~School of Medicine,~~
11 Health Sciences Center - New Orleans.

12 (c) A representative from the Louisiana State University ~~School of Medicine,~~
13 Health Sciences Center - Shreveport.

14 (d) A representative from ~~the Alton Ochsner Medical Foundation~~ Health.

15 (e) A representative of the ~~American Cancer Society, Louisiana Division, Inc~~
16 Louisiana Department of Health.

17 (f) A representative of the ~~American Lung Association of Louisiana, Inc~~
18 Louisiana Cancer Prevention and Control Programs.

19 (g) A representative of the ~~Leukemia Society of America, Inc., Louisiana~~
20 ~~Chapter~~ Louisiana Children's Medical Center.

21 (h) A representative of the Mary Bird Perkins Cancer ~~Radiation and Research~~
22 ~~Foundation, Inc~~ Center.

23 (i) A representative of ~~the Xavier University School of Pharmacy of~~
24 Louisiana.

25 (j) A representative of the Louisiana State Medical Society.

26 (k) A representative of the Acadiana Medical Research Foundation.

27 (l) A representative of the ~~American Heart Association, Louisiana Affiliation~~
28 Louisiana Cancer Registrars Association.

29 * * *

1 B. ~~The board shall determine the eligibility of medical research programs and~~
 2 ~~clinical investigation and training projects to receive funds; however, sufficient~~
 3 **Sufficient** funds shall be allocated annually to the statewide registry program for
 4 reporting cancer cases under the provisions of R.S. 40:1105.1 et seq. Administration
 5 of funds shall be exercised by the office of the president.

6 C.(1) The board shall establish rules and regulations for its own procedures,
 7 establish policies for the operation of the statewide registry program for reporting
 8 cancer cases established under the provisions of R.S. 40:1105.1 et seq., **and** establish
 9 **procedures for the allocation of any monies collected for the purposes of cancer**
 10 **prevention, control, or surveillance in Louisiana** ~~criteria for review panels, and~~
 11 ~~establish guidelines and deadlines for grant applications to be submitted. The~~
 12 ~~appointment of review panels for the purpose of evaluating grant applications and~~
 13 ~~making recommendations to the board on a priority basis shall be made before~~
 14 ~~monies are allocated. Any member of the board or review panels with a direct~~
 15 ~~conflict of interest shall excuse **recuse** himself or herself from voting on any grant~~
 16 ~~proposal **the allocation of monies**.~~

17 * * *

18 D. For purposes of this Section, the following definitions shall apply:

19 (1) ~~"Clinical investigation" shall mean the application of the results of~~
 20 ~~medical research to treat patients.~~

21 (2) ~~"Medical research" shall mean a program to determine the cause and~~
 22 ~~prevention of disease.~~

23 (3) ~~"Training" shall mean the educational preparation for a subspecialist~~
 24 ~~career in cancer or lung disease.~~

25 E. A current report on the programs funded shall be made to the House
 26 Committee on Ways and Means and to the Senate Committee on Revenue and Fiscal
 27 Affairs, meeting jointly, prior to each regular session of the legislature.

28 ~~F.E.~~ Any member of the board or of a review panel, whether or not such
 29 member is compensated by the institution or organization he represents, shall recuse

1 himself from participating in any discussion or voting regarding any matter relating
2 to awarding a grant or contracting with the institution or organization he is appointed
3 to represent. No member of the board or of a review panel who complies with the
4 recusal provisions contained in this Subsection shall be deemed to have violated the
5 Code of Governmental Ethics. The appointment of a compensated employee as a
6 representative of a designated institution or organization shall not constitute a
7 prohibited relationship under the provisions of the Code of Governmental Ethics.

8 * * *

9 §1105.12. Louisiana Advisory Committee on Populations and Geographic Regions

10 With Excessive Cancer Rates; creation; membership; duties

11 * * *

12 F.

* * *

13 (4) The committee shall seek comment and review of its conclusions and
14 findings from appropriate scientific, medical, or health panels established by local
15 chapters or affiliates of national groups that may include but should not be limited
16 to the following: The Louisiana State Medical Society, the Louisiana Cancer
17 Consortium, Louisiana Cancer ~~and Lung Trust Fund~~ **Advisory** Board, National
18 Cancer Institute, American College of Epidemiology, U. S. Public Health Service,
19 Louisiana State University Health Sciences Center, American Cancer Society, etc.
20 Final recommendations will be sent to the secretary of the Louisiana Department of
21 Health and other appropriate department agencies and officers as provided in this
22 Subsection.

23 * * *

24 §1105.13. Breast Cancer Control Program

25 * * *

26 C. To implement the provisions of this Section, there shall be a breast cancer
27 control agent in each of the Louisiana Department of Health regions, and all agents
28 shall provide individual annual reports to the Louisiana Cancer ~~and Lung Trust Fund~~
29 **Advisory** Board. The breast cancer control agents will be responsible for increasing

1 the statewide mammography utilization rate by launching a statewide initiative and
 2 community outreach program to educate the public about the benefits of early
 3 detection and treatment of breast cancer. The breast cancer control agents shall seek
 4 additional sources of funding, both public and private, including federal grants made
 5 available to states through 42 U.S.C. 300(k) et seq.

6 * * *

7 Section 2. R.S. 47:120.63 is hereby amended and reenacted to read as follows:

8 §120.63. Income tax checkoff; donation for Louisiana cancer; creation; use of
 9 monies

10 A. Every individual who files an individual income tax return for the current
 11 tax year and who is entitled to a refund may designate on his current year return that
 12 all or any portion of the total amount of the refund to which he is entitled shall be
 13 donated to the Louisiana Cancer ~~and Lung Trust Fund~~ **Advisory** Board, created
 14 pursuant to R.S. 40:1299.88, for the purpose of combating cancer and research into
 15 a cure for the disease. The designation shall be made at the time of the filing of the
 16 current year tax return and shall be made upon the income tax return form as
 17 provided by the secretary of the Department of Revenue. No donation made under
 18 the provisions of this Subsection shall be invalid for lack of an authentic act.

19 B. Upon receipt of any taxpayer's current year income tax return upon which
 20 the designation of a donation has been made pursuant to Subsection A of this
 21 Section, the secretary shall enter in a central record the donation and the name of the
 22 donor. The secretary shall forward all such donations to the Louisiana Cancer ~~and~~
 23 ~~Lung Trust Fund~~ **Advisory** Board annually, on or before March first of the year
 24 following the year in which the tax return was filed. The board shall use the monies
 25 derived from all such donations for the purpose of combating and researching cancer.

26 Section 3. R.S. 40:1105.11 is hereby repealed.

27 Section 4. This Act shall become effective upon signature by the governor or, if not
 28 signed by the governor, upon expiration of the time for bills to become law without signature
 29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Amanda Trapp.

DIGEST

SB 342 Original

2024 Regular Session

Harris

Present law requires the LSU System president to establish the Louisiana Tumor Registry for reporting cancer cases for the purpose of gathering statistical data to aid in the assessment of cancer incidence, survival rates, possible causes of specific cancers, and other related aspects of cancer in Louisiana.

Present law establishes the Louisiana Cancer and Lung Trust Fund Board for the purpose of determining eligibility of medical research programs, clinical investigations, and training projects to receive funds.

Proposed law changes the name of the board from the Louisiana Cancer and Lung Trust Fund Board to the Louisiana Cancer Advisory Board and requires the board to establish procedures for allocating monies collected for the purpose of cancer prevention, control, and surveillance in Louisiana.

Present law requires the president to comply with reporting procedures and requirements established by the board.

Proposed law changes the responsibility of establishing the requirements from the board to the state, Centers for Disease Control and Prevention, and the National Cancer Institute.

Present law establishes procedures for health care providers and radiation center participating in the registry program.

Proposed law makes changes to those procedures and establishes additional procedures for participating hospitals.

Present law provides for the membership of the board.

Proposed law makes changes to the membership of the board.

Present law requires the office of the president to annually publish a comprehensive report on the incidence of cancer in Louisiana and the progress made in reducing or eliminating the high cancer rates in Louisiana.

Present law additionally requires the board to annually publish a comprehensive report on the incidence of lung cancer in Louisiana and the progress made in reducing or eliminating the high lung cancer rates in Louisiana.

Proposed law repeals the lung cancer reporting requirement of the board.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1103.3(A), 1103.5(4), 1105.1(1), 1105.3(4), 1105.5, 1105.8.1(D)(1)(b)(iii) and (G), and 1105.9(A)(1), (B), (C)(1), (D), (E), and (F), 1105.12(F)(4), and 1105.13(C) and R.S. 47:120.63; adds R.S. 40:1105.1(8); repeals R.S. 40:1105.11)