

CONFERENCE COMMITTEE REPORT

HB 483

2017 Regular Session

Jackson

June 6, 2017

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 483 by Representative Jackson, recommend the following concerning the Reengrossed bill:

- 1. That Senate Committee Amendments Nos. 1, 2, 4, and 5 by the Committee on Health and Welfare (#1944) be adopted.
- 2. That Senate Committee Amendment No. 3 by the Committee on Health and Welfare (#1944) be rejected.
- 3. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 2, line 5, delete "granted legislative authority" and insert in lieu thereof "authorized"

AMENDMENT NO. 2

On page 2, line 23, after "or supplant," delete the remainder of the line and delete line 24 in its entirety and insert in lieu thereof the following:

"the Louisiana Cancer Prevention and Control Programs of the School of Public Health of the Louisiana State University Health Sciences Center-New Orleans."

AMENDMENT NO. 3

In Senate Committee Amendment No. 5 by the Committee on Health and Welfare (#1944), on line 12, after "registry" and before the quotation mark " " " insert a comma "₂"

AMENDMENT NO. 4

In Senate Committee Amendment No. 5 by the Committee on Health and Welfare (#1944), delete line 13 in its entirety and insert in lieu thereof the following:

"25 in their entirety and insert in lieu thereof a period "₂:""

Respectfully submitted,

Representative Katrina Jackson

Senator Fred H. Mills, Jr.

Representative Frank Hoffmann

Senator Regina Ashford Barrow

Representative Marcus Hunter

Senator Gerald Long

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

CONFERENCE COMMITTEE REPORT DIGEST

HB 483

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Keyword and oneliner of the instrument as it left the House

HEALTH/CANCER: Provides relative to disclosure of data maintained by the Louisiana Tumor Registry and for a cancer investigation initiative

Report adopts Senate amendments to:

1. Delete references in proposed law to collection of cancer data by the La. Tumor Registry.
2. Delete references in proposed law to an institutional review board of the office of public health which does not exist.
3. Delete proposed law requiring the La. Tumor Registry to review reports written for public release using registry data in advance of the public release of any such report.

Report rejects Senate amendments which would have:

1. Made an unnecessary technical change.

Report amends the bill to:

1. Delete a reference to the Breast Cancer Control Program provided for present law and insert in lieu thereof a reference to the La. Cancer Prevention and Control Programs of the School of Public Health of the Louisiana State University Health Sciences Center-New Orleans.
2. Make technical changes.

Digest of the bill as proposed by the Conference Committee

Proposed law requires the La. Tumor Registry (tumor registry) to provide diagnostic, treatment, and follow-up information concerning a patient at the request of a physician or medical facility diagnosing or treating the case as authorized by federal regulations relative to privacy of health information (45 CFR 164.506).

Proposed law requires the tumor registry to collaborate with the National Cancer Institute, the Centers for Disease Control and Prevention, the North American Association of Central Cancer Registries, the International Agency for Research on Cancer, and any other national or international cancer surveillance program it may designate in providing cancer data and participating in cancer studies.

Proposed law requires the tumor registry to cooperate with the office of public health of the La. Department of Health (OPH) in all of the following:

- (1) Evaluating programs.
- (2) Investigating cancer concerns and other cancer-related issues.

- (3) Implementing the program of cancer investigation and intervention provided for in proposed law.

Proposed law provides that the use of registry data by OPH officials and registry-designated national cancer surveillance programs shall be considered an in-house activity and be processed expeditiously.

Proposed law provides that requests by OPH for case-specific data shall require annual approval by the institutional review board of the La. State University Health Sciences Center-New Orleans (LSUHSC-New Orleans). Requires compliance by OPH with confidentiality standards of the tumor registry.

Proposed law requires that, subject to the limitations of federal law and proposed law relative to privacy of health information, the tumor registry shall release case-specific data to persons or organizations for the purposes of cancer prevention, control, and research; but prohibits inclusion in such data of information collected for special studies or other research projects. Requires requests for such data to be submitted in writing and reviewed and approved by the tumor registry research committee.

Proposed law provides that if a request for data submitted in accordance with proposed law is denied by the LSUHSC-New Orleans institutional review board, the institutional review board shall provide to the requestor notice in writing of the reason for the denial electronically or by postal mail.

Proposed law requires the director of the tumor registry or his designee to coordinate the registry's research committee. Provides that the research committee shall include, without limitation, the following members:

- (1) The director of the tumor registry.
- (2) A qualified representative selected from each of the following entities:
 - (a) The LSUHSC-New Orleans.
 - (b) OPH.
 - (c) The La. Cancer and Lung Trust Fund Board.

Proposed law provides for duties of the research committee with respect to requests for tumor registry data.

Proposed law requires that in determining the order of processing requests for data, the tumor registry shall give priority to requests for data from OPH for use in responding to concerns about threats to the public health. Provides that the tumor registry shall process other requests for data in order of receipt, and that the registry may seek reimbursement from a requestor for actual costs of compiling and providing the data.

Proposed law provides for maintenance and reporting by the tumor registry of the data it collects. Authorizes the tumor registry to assess a charge to a requestor of data for actual costs of compiling and providing the data, and to require payment before proceeding to fulfill the data request.

Proposed law prohibits the tumor registry from releasing data in cases in which such data would disclose the identity of any person to whom the data relate and thus violate the requirements of the Health Insurance Portability and Accountability Act relating to uses and disclosure of protected health information (45 CFR 164.514). Provides that in such situations, the tumor registry may combine more years of cancer data together at the census tract level or suppress the data according to the suppression rule of the United States Cancer Statistics program.

Proposed law provides that in considering for approval a request for aggregate data, the research committee of the tumor registry shall determine whether the request complies with applicable state and federal laws relating to privacy of health information. Provides that if the research committee finds that disclosure of data in response to the request would violate any such law, then the committee shall collaborate with the requestor to revise the request in order to preclude such violation.

Proposed law prohibits the research committee of the tumor registry from denying any request for aggregate data for any reason that is unrelated to compliance with state or federal privacy laws.

Proposed law requires the tumor registry to prepare an annual statistical report concerning cancer rates and counts which includes data at the census tract level, and to submit the report to the office of the president of the LSU System for inclusion with the annual cancer report provided for in present law (R.S. 40:1105.10). Provides that the tumor registry shall also submit the statistical report to the following entities:

- (1) The LSUHSC-New Orleans.
- (2) The LSUHSC-Shreveport.
- (3) The La. Cancer and Lung Trust Fund Board.
- (4) Each participating hospital.

Present law (R.S. 40:1105.10) requires that an annual cancer report be developed by the LSU System and issued to the governor, the speaker of the House of Representatives, the president of the Senate, and the legislative committees on health and welfare. Proposed law requires that this report also be transmitted to the governing body of each parish in the state.

Proposed law requires the tumor registry to develop and publish on its website a mechanism by which individuals may elect to receive in electronic format notifications and reports.

Proposed law grants OPH authority to operate a program of cancer investigation and intervention if sufficient funding is available for this purpose. Provides that the source of monies for the program may be any appropriation by the legislature, including appropriations of federal funds; appropriations from the Health Excellence Fund and the La. Fund created by present constitution; any public or private donations, gifts, or grants from individuals, corporations, nonprofit organizations, or other business entities; and any other monies which may be provided by law.

Proposed law requires OPH to engage and collaborate with the tumor registry, the La. Cancer Research Center, and the La. Advisory Committee on Populations and Geographic Regions With Excessive Cancer Rates in administering the cancer investigation and intervention program provided for in proposed law. Stipulates that the program shall be conducted in addition to the activities of, and shall not replace or supplant, the La. Cancer Prevention and Control Programs of the School of Public Health of the LSUHSC-New Orleans.

(Amends R.S. 40:1105.10(B); Adds R.S. 40:5.12, 1105.8.1, and 1105.8.2)