

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 **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 enter the facility; **and** obtain the information; ~~and report~~
18 ~~it in the appropriate format. In these cases, the facility shall reimburse the president~~
19 **Louisiana Tumor Registry** for the cost of obtaining and reporting the information.
20 **The Louisiana Tumor Registry and participating hospitals may enter into**
21 **agreements to allow remote electronic access to medical records of cancer**
22 **patients.**

23 B. Any ~~health care provider or radiation center~~ ~~diagnosing or providing~~
24 ~~treatment to cancer patients shall report each cancer case. In addition, health care~~
25 ~~providers shall furnish follow-up data on each cancer patient when requested.~~
26 **Pathology laboratories, radiation centers, surgery centers, physicians and other**
27 **licensed healthcare facilities and providers shall report cancer cases in the**
28 **required electronic format to the statewide registry program and grant access**
29 **to cancer patient records. These facilities and providers shall allow access to all**

1 records which would identify cases of cancer to ascertain and abstract
2 reportable cancer cases by the statewide cancer registry program.

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

10 * * *

11 §1105.8.1. Louisiana Tumor Registry; research committee; disclosure of registry
12 data

13 * * *

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

17 * * *

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

19 * * *

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

21 * * *

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

* * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(m) A representative of Willis Knighton Health System.

(n) A representative of the Franciscan Missionaries of Our Lady Health System.

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(o) A representative from Woman's Hospital.

* * *

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

C.(1) The board shall establish rules and regulations for its own procedures, establish policies for the operation of the statewide registry program for reporting cancer cases established under the provisions of R.S. 40:1105.1 et seq.; **and** establish **procedures for the allocation of any monies collected pursuant to R.S. 47:120.63 for the purposes of cancer prevention, control, or surveillance in Louisiana** ~~criteria for review panels, and establish guidelines and deadlines for grant applications to be submitted. The appointment of review panels for the purpose of evaluating grant applications and making recommendations to the board on a priority basis shall be made before monies are allocated. Any member of the board or review panels with a direct conflict of interest shall excuse~~ **recuse** ~~himself or herself~~ from voting on any grant proposal **the allocation of monies.**

* * *

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

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

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

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

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

1 shall provide individual annual reports to the Louisiana Cancer ~~and Lung Trust Fund~~
 2 Advisory Board. The breast cancer control agents will be responsible for increasing
 3 the statewide mammography utilization rate by launching a statewide initiative and
 4 community outreach program to educate the public about the benefits of early
 5 detection and treatment of breast cancer. The breast cancer control agents shall seek
 6 additional sources of funding, both public and private, including federal grants made
 7 available to states through 42 U.S.C. 300(k) et seq.

8 * * *

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

10 §120.63. Income tax checkoff; donation for Louisiana cancer; creation; use of
 11 monies

12 A. Every individual who files an individual income tax return for the current
 13 tax year and who is entitled to a refund may designate on his current year return that
 14 all or any portion of the total amount of the refund to which he is entitled shall be
 15 donated to the Louisiana Cancer ~~and Lung Trust Fund~~ Advisory Board, created
 16 pursuant to ~~R.S. 40:1299.88~~ R.S. 40:1105.9, for the purpose of combating cancer and
 17 research into a cure for the disease. The designation shall be made at the time of the
 18 filing of the current year tax return and shall be made upon the income tax return
 19 form as provided by the secretary of the Department of Revenue. No donation made
 20 under the provisions of this Subsection shall be invalid for lack of an authentic act.

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

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

29 Section 4. This Act shall become effective upon signature by the governor or, if not

1 signed by the governor, upon expiration of the time for bills to become law without signature
 2 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 3 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 4 effective on the day following such approval.

The original instrument was prepared by Amanda Trapp. The following digest, which does not constitute a part of the legislative instrument, was prepared by Thomas L. Tyler.

DIGEST

SB 342 Reengrossed

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 authorizes the Louisiana Tumor Registry board to enter into agreements to allow remote electronic access to medical records of cancer patients.

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)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Adds a member to the advisory board.

Senate Floor Amendments to engrossed bill

1. Adds provision for the La. Tumor Registry to enter into agreements allowing remote electronic access to records of cancer patients.
2. Adds a representative of the Franciscan Missionaries of Our Lady Health System and a representative from Woman's Hospital to the board.