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
statistical compilations relating to morbidity and
mortality studies, which do not identify individual cases or sources of information.”

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

"Section 1106. Disclosure.

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

(2) The Secretary may furnish statistical information to other nations’ cancer registries, cancer control agencies, or health researchers in order to collaborate in a national or regional cancer registry or to collaborate in cancer control and prevention research studies. Before releasing confidential information, the Secretary shall first obtain evidence of the approval of his or her academic committee for the protection of human subjects or the equivalent.”

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.

____________________ 6/20, 2008

/s/ Manny Mori
Manny Mori
President
Federated States of Micronesia