

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 neoplasms, regardless
16 of the tissue of origin, including malignant lymphoma
17 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) "Secretary" means the Secretary of Health,
11 Education and Social Affairs (HESA) or person designated
12 by the Secretary to compile information, prepare
13 reports, or perform any functions required or permitted
14 under this Act."

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

18 "Section 1103. Cancer Registry.

19 (1) The Secretary and each health facility and health
20 care provider shall jointly establish a uniform, nation-
21 wide population-based cancer registry system for the
22 collection of information regarding the incidence of
23 cancer and related data. The Secretary and each health
24 care facility and health care provider shall jointly
25 adopt rules necessary to effect the purposes of this

1 Act, including the data to be reported and the effective
2 date after which reporting by health care facilities and
3 health care providers shall be required.

4 (2) The Secretary shall establish a training program
5 for the personnel of participating health care
6 facilities and a quality control program for cancer
7 data. The Secretary shall collaborate in studies with
8 clinicians and epidemiologists and publish reports on
9 the results of such studies. The Secretary shall
10 cooperate with the U.S. National Institutes of Health
11 and the Centers for Disease Control in providing cancer
12 incidence data."

13 Section 4. Title 41 of the Code of the Federated States of
14 Micronesia, as amended, is hereby further amended by adding a new
15 section 1104 of chapter 11 to read as follows:

16 "Section 1104. Participation in program.

17 Each health care facility and health care provider
18 diagnosing or providing treatment to cancer patients
19 shall report to the Secretary each cancer case that
20 occurs within that facility or provider's office.

21 Within 120 days of the effective date of this Act, the
22 Secretary and each health care provider and health care
23 facility shall jointly promulgate a plan to set forth
24 the format, content and timing of the report required by
25 this section, including remedies and penalties for non-

1 compliance. Any cancer patient whose diagnosis or
2 treatment is reported to the Secretary shall be informed
3 of this fact by the health care facility or health care
4 provider prior to submission of the report. This
5 section shall only apply to cancer cases diagnosed or
6 treated following the effective date of this Act."

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

10 "Section 1105. Confidentiality.

11 (1) All information reported pursuant to this Act
12 shall be confidential and privileged. The Secretary
13 shall take strict measures to ensure that all
14 identifying information is kept confidential.

15 (2) All identifying information regarding an
16 individual patient, health care provider or health care
17 facility contained in records of interviews, written
18 reports, letters or statements procured by the
19 Secretary, or by any other person, agency or
20 organization acting jointly with the Secretary, in
21 connection with cancer morbidity and mortality studies
22 shall be confidential and privileged and may be used
23 solely for the purposes of the study. Nothing in this
24 section shall prevent the Secretary from publishing
25 statistical compilations relating to morbidity and

1 mortality studies, which do not identify individual
2 cases or sources of information."

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

6 "Section 1106. Disclosure.

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

15 (2) The Secretary may furnish statistical information
16 to other nations' cancer registries, cancer control
17 agencies, or health researchers in order to collaborate
18 in a national or regional cancer registry or to
19 collaborate in cancer control and prevention research
20 studies. Before releasing confidential information, the
21 Secretary shall first obtain evidence of the approval of
22 his or her academic committee for the protection of
23 human subjects or the equivalent."

24 Section 7. Title 41 of the Code of the Federated States of
25 Micronesia, as amended, is hereby further amended by adding a new

1 section 1107 of chapter 11 to read as follows:

2 "Section 1107. Liability.

3 (1) No action for damages arising from the disclosure
4 of confidential or privileged information may be
5 maintained against any person, or the employer or
6 employee of any person, who participates in good faith
7 in the reporting of cancer registry data or data for
8 cancer morbidity or mortality studies in accordance with
9 this Act.

10 (2) No license of a health care facility or health
11 care provider may be denied, suspended or revoked for
12 the good faith disclosure of confidential or privileged
13 information in the reporting of cancer registry data for
14 cancer morbidity or mortality studies in accordance with
15 this Act.

16 (3) Nothing in this section shall be construed to
17 apply to the unauthorized disclosure of confidential or
18 privileged information when such disclosure is due to
19 gross negligence or willful misconduct."

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

23 "Section 1108. Penalties for unauthorized
24 disclosure of confidential information.

25 (1) Any person who discloses confidential information

1 obtained for the purposes of this Chapter, except in
2 accordance with this Chapter, shall be guilty of an
3 offense and shall be liable on conviction in a court of
4 law to a fine of \$2,000 or to imprisonment for not more
5 than six months, or to both such fine and imprisonment.

6 Section 9. Effective date. This Act shall take effect upon
7 its approval by the President, or upon its becoming law without
8 such approval, except as otherwise provided by law.

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6/20, 2008

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/s/ Manny Mori

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Manny Mori

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President

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Federated States of Micronesia

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