

SENATE BILL NO. 342

BY SENATOR HARRIS AND REPRESENTATIVES BRYANT, CHASSION, FISHER,
HUGHES, LARVADAIN, SELDERS, STAGNI AND WALTERS

1 AN ACT

2 To amend and reenact R.S. 40:1103.3(A), 1103.5(4), 1105.1(1), 1105.3(4), 1105.5,
3 1105.8.1(D)(1)(b)(iii) and (G), and 1105.9(A)(1), (B), (C)(1), (D), (E), and (F),
4 1105.12(F)(4), and 1105.13(C) and R.S. 47:120.63, to enact R.S. 40:1105.1(8), and
5 to repeal R.S. 40:1105.11, relative to the Louisiana Tumor Registry; to provide for
6 definitions; to provide for powers and duties of the president of the Louisiana State
7 University System; to provide for requirements for participation in the program; to
8 provide relative to the board; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:1103.3(A), 1103.5(4), 1105.1(1), 1105.3(4), 1105.5,
11 1105.8.1(D)(1)(b)(iii) and (G), and 1105.9(A)(1), (B), (C)(1), (D), (E), and (F),
12 1105.12(F)(4), and 1105.13(C) are hereby amended and reenacted and R.S. 40:1105.1(8) is
13 hereby enacted to read as follows:

14 §1103.3. Standard written summary of breast cancer alternatives

15 A. Pursuant to the provisions of this Part and no later than March 1, 2000, the
16 department, in consultation with the Louisiana Cancer ~~and Lung Trust Fund~~
17 **Advisory** Board, shall develop a standard written summary of the advantages,
18 disadvantages, risks, and descriptions of the procedures regarding medically viable
19 and efficacious alternative methods of treatment for breast cancer including surgical,
20 radiological, or chemotherapeutic treatments or combinations thereof. Thereafter, the
21 department shall review and, if necessary, revise the summary every three years;
22 however, the department shall revise the summary prior to the three-year review if
23 the department determines that new or revised information should be included in the
24 summary.

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§1103.5. Information and access to breast reconstructive surgery

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

* * *

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

§1105.1. Definitions

As used in this Part:

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

* * *

(8) "Tumor registry", "Cancer registry program", and "statewide registry program" shall mean the Louisiana Tumor Registry.

* * *

§1105.3. Powers; duties

The president shall:

* * *

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

* * *

§1105.5. Participation in program

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

B. Any ~~health care provider or radiation center~~ diagnosing or providing treatment to cancer patients shall report each cancer case. In addition, health care providers shall furnish follow-up data on each cancer patient when requested. **Pathology laboratories, radiation centers, surgery centers, physicians and other licensed healthcare facilities and providers shall report cancer cases in the required electronic format to the statewide registry program and grant access to cancer patient records. These facilities and providers shall allow access to all records which would identify cases of cancer to ascertain and abstract reportable cancer cases by the statewide cancer registry program.**

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

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

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

* * *

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

* * *

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

* * *

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

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§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,~~

1 Health Sciences Center - Shreveport.

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

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

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

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

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

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

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

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

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

17 (m) A representative of Willis Knighton Health System.

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

20 (o) A representative from Woman's Hospital.

21 * * *

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

27 C.(1) The board shall establish rules and regulations for its own procedures,
28 establish policies for the operation of the statewide registry program for reporting
29 cancer cases established under the provisions of R.S. 40:1105.1 et seq.; and establish
30 procedures for the allocation of any monies collected pursuant to R.S. 47:120.63

1 for the purposes of cancer prevention, control, or surveillance in Louisiana
 2 ~~criteria for review panels, and establish guidelines and deadlines for grant~~
 3 ~~applications to be submitted. The appointment of review panels for the purpose of~~
 4 ~~evaluating grant applications and making recommendations to the board on a priority~~
 5 ~~basis shall be made before monies are allocated. Any member of the board or review~~
 6 ~~panels with a direct conflict of interest shall excuse **recuse** himself or herself from~~
 7 ~~voting on any grant proposal the allocation of monies.~~

8 * * *

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

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

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

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

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

19 F. E. Any member of the board or of a review panel, whether or not such
 20 member is compensated by the institution or organization he represents, shall recuse
 21 himself from participating in any discussion or voting regarding any matter relating
 22 to awarding a grant or contracting with the institution or organization he is appointed
 23 to represent. No member of the board or of a review panel who complies with the
 24 recusal provisions contained in this Subsection shall be deemed to have violated the
 25 Code of Governmental Ethics. The appointment of a compensated employee as a
 26 representative of a designated institution or organization shall not constitute a
 27 prohibited relationship under the provisions of the Code of Governmental Ethics.

28 * * *

29 §1105.12. Louisiana Advisory Committee on Populations and Geographic Regions

30 With Excessive Cancer Rates; creation; membership; duties

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2 F. * * *

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

13 * * *

14 §1105.13. Breast Cancer Control Program

15 * * *

16 C. To implement the provisions of this Section, there shall be a breast cancer
17 control agent in each of the Louisiana Department of Health regions, and all agents
18 shall provide individual annual reports to the Louisiana Cancer ~~and Lung Trust Fund~~
19 **Advisory** Board. The breast cancer control agents will be responsible for increasing
20 the statewide mammography utilization rate by launching a statewide initiative and
21 community outreach program to educate the public about the benefits of early
22 detection and treatment of breast cancer. The breast cancer control agents shall seek
23 additional sources of funding, both public and private, including federal grants made
24 available to states through 42 U.S.C. 300(k) et seq.

25 * * *

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

27 §120.63. Income tax checkoff; donation for Louisiana cancer; creation; use of
28 monies

29 A. Every individual who files an individual income tax return for the current
30 tax year and who is entitled to a refund may designate on his current year return that

1 all or any portion of the total amount of the refund to which he is entitled shall be
 2 donated to the Louisiana Cancer ~~and Lung Trust Fund~~ **Advisory** Board, created
 3 pursuant to ~~R.S. 40:1299.88~~ **R.S. 40:1105.9**, for the purpose of combating cancer and
 4 research into a cure for the disease. The designation shall be made at the time of the
 5 filing of the current year tax return and shall be made upon the income tax return
 6 form as provided by the secretary of the Department of Revenue. No donation made
 7 under the provisions of this Subsection shall be invalid for lack of an authentic act.

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

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

16 Section 4. This Act shall become effective upon signature by the governor or, if not
 17 signed by the governor, upon expiration of the time for bills to become law without signature
 18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 20 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____