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WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1992

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ENROLLED

Committee Substitute for
SENATE BILL NO. 272

(By Senator *Waldley*)

—●—
PASSED *March 6,* 1992
In Effect *90 days from* Passage

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 272

(SENATOR HOLLIDAY, *original sponsor*)

[Passed March 6, 1992; in effect ninety days from passage.]

AN ACT to amend article five-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section two-a; and to further amend said chapter by adding thereto a new article, designated article thirty-three, relating to establishment of a cancer registry; requiring all physicians, hospitals, laboratories and clinics to report newly diagnosed or treated cancers; providing for confidentiality of records; appointing an advisory committee panel; providing administrative implementation through rulemaking; authorizing and maintaining a program to provide and promote screening and detection of breast and cervical cancer among unserved and underserved populations; educating the public on benefits of early detection; providing counseling and referral services; establishing a breast and cervical cancer coalition to collaborate on program development; education and early detection projects; authorizing the director of the division of health to make grants for programs that provide early detection of breast and cervical cancer through clinical

examinations, mammography and pap testing for cervical cancer and breast self-examinations; and requiring grant recipients to provide referral services for cancer treatment and counseling and public and professional education on early detection for breast and cervical cancer prevention and control.

Be it enacted by the Legislature of West Virginia:

That article five-a, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section two-a; and that said chapter be amended by adding thereto a new article, designated article thirty-three, to read as follows:

ARTICLE 5A. CANCER CONTROL.

§16-5A-2a. Cancer registry.

1 (a) *Purpose.* — To the extent funds are available, the
2 director of the division of health shall establish a
3 cancer registry for the purpose of collecting informa-
4 tion concerning the incidence of cancer, which shall be
5 analyzed to prepare reports and perform studies as
6 necessary when such data identifies hazards to public
7 health. Pending appropriate funding, a statewide
8 system shall be phased in and be fully operational by
9 the first day of July, one thousand nine hundred
10 ninety-five.

11 (b) *Reporting.* — All reporting sources, i.e., hospitals,
12 physicians, laboratories, clinics or other similar units
13 diagnosing or providing treatment for cancer, shall
14 provide a report of each cancer case to the cancer
15 registry in a format specified by the director. The
16 reporting sources shall grant the director or an
17 authorized representative of the cancer registry access
18 to all records which would identify cases of cancer or
19 would establish characteristics of the cancer.

20 (c) *Confidentiality; disclosure.* — All information
21 reported pursuant to this section is confidential and
22 shall be used for the purpose of determining the
23 sources of malignant neoplasms and evaluating mea-
24 sures designed to eliminate, alleviate or ameliorate

25 their effect. A report provided to the cancer registry
26 disclosing the identity of an individual who was
27 reported as having cancer shall only be released to
28 reporting sources and persons demonstrating a need
29 which is essential to health related research, except
30 that the release shall be conditioned upon the report-
31 ing source and personal identities remaining confiden-
32 tial. No liability of any kind or character for damages
33 or other relief shall arise or be enforced against any
34 reporting source by reason of having provided the
35 information or material to the cancer registry.

36 (d) *Advisory committee.* — The director of the
37 division of health shall appoint an advisory committee
38 on cancer with membership consisting of representa-
39 tives of appropriate agencies, including the West
40 Virginia hospital association; the American cancer
41 society, West Virginia division; the American lung
42 association of West Virginia; the West Virginia medical
43 association; the association of osteopathic medicine; the
44 West Virginia nurses association; the Mary Babb
45 Randolph cancer center; and, at the discretion of the
46 director, any other individuals directly involved. The
47 advisory committee shall provide technical guidance
48 regarding the operation of the cancer registry and
49 shall provide such advice and assistance as needed to
50 carry out effective cancer prevention and control
51 activities. The members of the advisory committee
52 shall serve four year terms. Vacancies shall be filled in
53 a like manner for the unexpired term.

54 (e) *Rulemaking.* — The director shall promulgate
55 rules related to: (1) The content and design of all forms
56 and reports required by this section; (2) the procedures
57 for disclosure of information gathered by the cancer
58 registry by monitoring and evaluating health data and
59 from completed risk assessments; and (3) any other
60 matter necessary to the administration of this section.

**ARTICLE 33. BREAST AND CERVICAL CANCER PREVENTION AND
CONTROL PROGRAM ACT.**

§16-33-1. Short title.

1 This article may be cited as the “Breast and Cervical

2 Cancer Prevention and Control Act”.

§16-33-2. Definitions.

1 As used in this article:

2 (a) “Approved organization” means an organization
3 approved by the director to provide medical services
4 under section four of this article.

5 (b) “Department” means the department of health
6 and human resources.

7 (c) “Director” means the director of the division of
8 health.

9 (d) “Unserved or underserved populations” means
10 persons having inadequate access and financial resour-
11 ces to obtain breast and cervical cancer screening and
12 detection services, including persons who lack health
13 insurance or whose health insurance coverage is
14 inadequate.

**§16-33-3. Establishment of breast and cervical cancer
detection and education program.**

1 (a) There is hereby created within the department
2 the breast and cervical cancer detection and education
3 program. This program is established to promote
4 screening and detection of breast and cervical cancer
5 among unserved or underserved populations, to edu-
6 cate the public regarding breast and cervical cancer
7 and the benefits of early detection, and to provide
8 counseling and referral services.

9 (b) The program shall include:

10 (1) Establishment of a public education and outreach
11 campaign to publicize breast and cervical cancer
12 detection and education services, including the extent
13 of coverage for such services by health insurance, the
14 medical assistance program and other public and
15 private programs;

16 (2) Provision of grants to approved organizations
17 under section four of this article;

18 (3) Compilation of data concerning the breast and

19 cervical cancer detection and education program and
20 dissemination of the data to the public; and

21 (4) Development of professional education programs
22 including the benefits of early detection of breast and
23 cervical cancer and the recommended frequency of
24 screening examinations for prevention and control.

§16-33-4. Grants to approved organizations.

1 (a) The director shall make grants, within the
2 amounts appropriated, to approved organizations for
3 the provision of services relating to the screening and
4 detection of breast and cervical cancer as part of this
5 program. Such services shall include, but not be
6 limited to:

7 (1) Promotion and provision of early detection of
8 breast and cervical cancer, clinical examinations,
9 including pap testing and mammography and breast
10 self-examination;

11 (2) Provision of counseling and information on
12 treatment alternatives and referral for appropriate
13 medical treatment;

14 (3) Dissemination of information to unserved and
15 underserved populations, to the general public and to
16 health care professionals concerning breast and cervi-
17 cal cancer, the benefits of early detection and treat-
18 ment and the availability of breast and cervical cancer
19 screening services;

20 (4) Identification of local breast and cervical cancer
21 screening services within the approved organization's
22 region; and

23 (5) Provision of information, counseling and referral
24 services to individuals diagnosed with breast or
25 cervical cancer.

26 (b) (1) The director shall give notice and provide
27 opportunity for organizations to submit applications to
28 provide breast and cervical cancer detection and
29 education programs. In order to be considered for a
30 grant to provide breast and cervical cancer detection
31 and education programs, applicants must show evi-

32 dence of the following:

33 (A) Ability to provide and to ensure consistent and
34 quality breast and cervical cancer detection services;

35 (B) Expertise in breast and cervical cancer detection
36 and treatment;

37 (C) Capacity to collaborate and coordinate services
38 with physicians, hospitals and other appropriate local
39 institutions or agencies;

40 (D) Ability to provide breast and cervical cancer
41 detection and education services to unserved or
42 underserved populations; and

43 (E) Ability to implement a breast and cervical
44 cancer detection and education program in accordance
45 with national organization standards of high quality, as
46 described in subsection (c) of this section.

47 (2) Applications shall be made on forms provided by
48 the director for approval of grants to provide breast
49 and cervical cancer detection and education programs
50 by organizations, including, but not limited to:

51 (A) Local boards of health organized under articles
52 two and two-a of this chapter;

53 (B) Licensed health care facilities, including the
54 public and private sector;

55 (C) Any combination of the above; and

56 (D) Organizations with program expertise in cancer
57 related issues.

58 (c) In evaluating applications the director shall
59 consult the most recent medical practice and proce-
60 dures in breast and cervical cancer detection and
61 education standards for breast and cervical cancer
62 detection and education programs of organizations
63 with national recognition for expertise in breast and
64 cervical cancer detection and treatment with the
65 objective to ensure the following:

66 (1) Integration linkage and consultation with
67 approved organizations, health care facilities and

68 providers;

69 (2) Maximization of third-party reimbursement; and

70 (3) Provision of services to unserved or underserved
71 populations.

**§16-33-5. Breast and cervical cancer detection and education
program coalition.**

1 (a) There is hereby established the breast and
2 cervical cancer detection and education program
3 coalition. The members of the coalition shall be
4 appointed by the director and shall be representative
5 of consumers including persons with breast or cervical
6 cancer, local health departments, health care providers
7 and recognized experts in the provision of health
8 services to women, cancer research or environmental
9 health.

10 (b) The breast and cervical cancer coalition shall be
11 responsible for advising the director with respect to
12 the implementation of this article and shall make
13 recommendations as to the selection of approved
14 organizations and the standards to be established by
15 the director pursuant to subsection (c), section four of
16 this article. The director shall consult with the coali-
17 tion on standards for approved organizations, selecting
18 approved organizations, making grants to such organi-
19 zations and implementing the breast and cervical
20 cancer detection and education program.

21 (c) The director shall perform an evaluation of the
22 state's system for early detection and treatment of
23 breast and cervical cancer and shall submit to the
24 Legislature and the governor a report detailing his
25 findings and recommendations concerning the state's
26 response to the high incidence of breast and cervical
27 cancer. Such report shall be submitted no later than
28 the first day of December, one thousand nine hundred
29 ninety-three, and shall reflect the evaluation of the at-
30 risk population screened for breast and cervical cancer
31 detection for the previous twelve months.

32 (d) The breast and cervical cancer coalition shall
33 meet at least three times a year to receive information

34 and provide interaction, consultation and advice.

35 (e) The members of the coalition shall receive no
36 compensation for their services, but shall be allowed
37 their actual and necessary expenses incurred in
38 performance of their duties.

§16-33-6. Annual report.

1 The director shall submit an annual report to the
2 governor and the Legislature concerning the operation
3 of the breast and cervical cancer detection and educa-
4 tion program including available data and assessment.
5 Such report shall also include any recommendations
6 for additional action to respond to the high incidence
7 of breast and cervical cancer in this state.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Somer Leck
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Parrell B. ...
.....
Clerk of the Senate

Donald L. Vopp
.....
Clerk of the House of Delegates

Will Burdette
.....
President of the Senate

Robert ...
.....
Speaker House of Delegates

The within is approved this the *30th*
May
day of, 1992.

Gaston Caperton
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 3/20/92

Time 3:25pm