WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1992

ENROLLED
Committee Substitute for
SENATE BILL NO. 222

(By Senator Halliday)

PASSED March 6, 1992
In Effect 90 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.


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

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

20 (c) Confidentiality; disclosure. — All information reported pursuant to this section is confidential and shall be used for the purpose of determining the sources of malignant neoplasms and evaluating measures designed to eliminate, alleviate or ameliorate
their effect. A report provided to the cancer registry disclosing the identity of an individual who was reported as having cancer shall only be released to reporting sources and persons demonstrating a need which is essential to health related research, except that the release shall be conditioned upon the reporting source and personal identities remaining confidential. No liability of any kind or character for damages or other relief shall arise or be enforced against any reporting source by reason of having provided the information or material to the cancer registry.

(d) Advisory committee. — The director of the division of health shall appoint an advisory committee on cancer with membership consisting of representatives of appropriate agencies, including the West Virginia hospital association; the American cancer society, West Virginia division; the American lung association of West Virginia; the West Virginia medical association; the association of osteopathic medicine; the West Virginia nurses association; the Mary Babb Randolph cancer center; and, at the discretion of the director, any other individuals directly involved. The advisory committee shall provide technical guidance regarding the operation of the cancer registry and shall provide such advice and assistance as needed to carry out effective cancer prevention and control activities. The members of the advisory committee shall serve four year terms. Vacancies shall be filled in a like manner for the unexpired term.

(e) Rulemaking. — The director shall promulgate rules related to: (1) The content and design of all forms and reports required by this section; (2) the procedures for disclosure of information gathered by the cancer registry by monitoring and evaluating health data and from completed risk assessments; and (3) any other 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
§16-33-2. Definitions.

As used in this article:

(a) "Approved organization" means an organization approved by the director to provide medical services under section four of this article.

(b) "Department" means the department of health and human resources.

(c) "Director" means the director of the division of health.

(d) "Unserved or underserved populations" means persons having inadequate access and financial resources to obtain breast and cervical cancer screening and detection services, including persons who lack health insurance or whose health insurance coverage is inadequate.

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

(a) There is hereby created within the department the breast and cervical cancer detection and education program. This program is established to promote screening and detection of breast and cervical cancer among unserved or underserved populations, to educate the public regarding breast and cervical cancer and the benefits of early detection, and to provide counseling and referral services.

(b) The program shall include:

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

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

(3) Compilation of data concerning the breast and
(1) Promotion and provision of early detection of breast and cervical cancer, clinical examinations, including pap testing and mammography and breast self-examination;

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

(3) Dissemination of information to unserved and underserved populations, to the general public and to health care professionals concerning breast and cervical cancer, the benefits of early detection and treatment and the availability of breast and cervical cancer screening services;

(4) Identification of local breast and cervical cancer screening services within the approved organization’s region; and

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

(b) (1) The director shall give notice and provide opportunity for organizations to submit applications to provide breast and cervical cancer detection and education programs. In order to be considered for a grant to provide breast and cervical cancer detection and education programs, applicants must show evi-
(A) Ability to provide and to ensure consistent and quality breast and cervical cancer detection services;

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

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

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

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

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

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

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

(C) Any combination of the above; and

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

(c) In evaluating applications the director shall consult the most recent medical practice and procedures in breast and cervical cancer detection and education standards for breast and cervical cancer detection and education programs of organizations with national recognition for expertise in breast and cervical cancer detection and treatment with the objective to ensure the following:

(1) Integration linkage and consultation with 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 populations.

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

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

(b) The breast and cervical cancer coalition shall be responsible for advising the director with respect to the implementation of this article and shall make recommendations as to the selection of approved organizations and the standards to be established by the director pursuant to subsection (c), section four of this article. The director shall consult with the coalition on standards for approved organizations, selecting approved organizations, making grants to such organizations and implementing the breast and cervical cancer detection and education program.

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

(d) The breast and cervical cancer coalition shall meet at least three times a year to receive information
and provide interaction, consultation and advice.

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

§16-33-6. Annual report.

The director shall submit an annual report to the governor and the Legislature concerning the operation of the breast and cervical cancer detection and education program including available data and assessment. Such report shall also include any recommendations for additional action to respond to the high incidence of breast and cervical cancer in this state.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor