## SLS 24RS-22

2024 Regular Session

SENATE BILL NO. 342

BY SENATOR HARRIS

HEALTH CARE. Provides relative to the Louisiana Tumor Registry. (gov sig)

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,

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following:

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1	disadvantages, risks, and descriptions of the procedures regarding medically viable
2	and efficacious alternative methods of treatment for breast cancer including surgical,
3	radiological, or chemotherapeutic treatments or combinations thereof. Thereafter, the
4	department shall review and, if necessary, revise the summary every three years;
5	however, the department shall revise the summary prior to the three-year review if
6	the department determines that new or revised information should be included in the
7	summary.
8	* * *
9	§1103.5. Information and access to breast reconstructive surgery
10	Every hospital licensed by the Louisiana Department of Health pursuant to
11	R.S. 40:2100 et seq., and every Louisiana physician who provides mastectomy
12	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

consistent with information developed by the Louisiana Department of Health and

the Louisiana Cancer and Lung Trust Fund Advisory Board and circulated to

\*

(4) Other information as may be required by the secretary of health,

\*

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

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1	registry program" shall mean the Louisiana Tumor Registry.
2	* * *
3	§1105.3. Powers; duties
4	The president shall:
5	* * *
6	(4) Comply with reporting procedures and requirements established by the
7	board for tumor registry state, the Centers for Disease Control and Prevention,
8	and the National Cancer Institute.
9	* * *
10	§1105.5. Participation in program
11	A. Any health care provider or radiation center participating hospital
12	diagnosing or providing treatment to cancer patients shall report each case of cancer
13	to the president in a format prescribed by the president within six months of
14	admission or diagnosis and shall furnish the data, including but not limited to
15	follow-ups, medical history, risk factors, and cancer screening, on each cancer
16	patient when requested. If the facility fails to report in a format prescribed by the
17	president, the president may enter the facility, and obtain the information, and report
18	it in the appropriate format. In these cases, the facility shall reimburse the president
19	<b>Louisiana Tumor Registry</b> for the cost of obtaining and reporting the information.
20	The Louisiana Tumor Registry and participating hospitals may enter into
21	agreements to allow remote electronic access to medical records of cancer
22	patients.
23	B. Any health care provider or radiation center diagnosing or providing
24	treatment to cancer patients shall report each cancer case. In addition, health care
25	providers shall furnish follow-up data on each cancer patient when requested.
26	Pathology laboratories, radiation centers, surgery centers, physicians and other
27	licensed healthcare facilities and providers shall report cancer cases in the
28	required electronic format to the statewide registry program and grant access
29	to cancer patient records. These facilities and providers shall allow access to all

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1	records which would identify cases of cancer to ascertain and abstract
2	reportable cancer cases by the statewide cancer registry program.
3	C. Any health care provider or radiation center which provides diagnostic or
4	treatment services to patients with cancer shall report any additional demographic,
5	diagnostic, or treatment information requested by the president concerning any
6	person presently or previously receiving services who has or had a malignant tumor.
7	Additionally, the president shall have physical access to all records which would
8	identify cases of cancer or would establish characteristics of the cancer, treatment of
9	the cancer, or medical status of any identified cancer patient.
10	* * *
11	§1105.8.1. Louisiana Tumor Registry; research committee; disclosure of registry
12	data
13	* * *
14	D.(1) The director of the tumor registry or his designee shall coordinate the
15	research committee of the tumor registry. The research committee shall include,
16	without limitation, the following members:
17	* * *
18	(b) A qualified representative selected from each of the following entities:
19	* * *
20	(iii) The Louisiana Cancer and Lung Trust Fund Advisory Board.
21	* * *
22	G. The tumor registry shall annually prepare a statistical report concerning
23	cancer rates and counts which includes data at the census tract level, and shall submit
24	the report to the office of the president for inclusion with the annual cancer report
25	required by R.S. 40:1105.10. The tumor registry shall also provide the statistical
26	report required by this Subsection to the Louisiana State University Health Sciences
27	Center at New Orleans, the Louisiana State University Health Sciences Center at
28	Shreveport, the Louisiana Cancer and Lung Trust Fund Advisory Board, and each
29	participating hospital.

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1	* * *
2	§1105.9. Louisiana Cancer and Lung Trust Fund Advisory Board
3	A.(1) There is hereby created the Louisiana Cancer and Lung Trust Fund
4	Advisory Board, which shall consist of the following members appointed and
5	reappointed by the governor, to serve at his pleasure, upon recommendation of each
6	institution and organization represented:
7	(a) A representative from Tulane University School of Medicine.
8	(b) A representative from the Louisiana State University School of Medicine,
9	Health Sciences Center - New Orleans.
10	(c) A representative from the Louisiana State University School of Medicine,
11	Health Sciences Center - Shreveport.
12	(d) A representative from the Alton Ochsner Medical Foundation Health.
13	(e) A representative of the American Cancer Society, Louisiana Division, Inc
14	Louisiana Department of Health.
15	(f) A representative of the American Lung Association of Louisiana, Inc
16	Louisiana Cancer Prevention and Control Programs.
17	(g) A representative of the Leukemia Society of America, Inc., Louisiana
18	Chapter Louisiana Children's Medical Center.
19	(h) A representative of the Mary Bird Perkins Cancer Radiation and Research
20	Foundation, Inc Center.
21	(i) A representative of the Xavier University School of Pharmacy of
22	Louisiana.
23	(j) A representative of the Louisiana State Medical Society.
24	(k) A representative of the Acadiana Medical Research Foundation.
25	(l) A representative of the American Heart Association, Louisiana Affiliation
26	Louisiana Cancer Registrars Association.
27	(m) A representative of Willis Knighton Health System.
28	(n) A representative of the Franciscan Missionaries of Our Lady Health
29	System.

1	(o) A representative from Woman's Hospital.
2	* * *
3	B. The board shall determine the eligibility of medical research programs and
4	clinical investigation and training projects to receive funds; however, sufficient
5	Sufficient funds shall be allocated annually to the statewide registry program for
6	reporting cancer cases under the provisions of R.S. 40:1105.1 et seq. Administration
7	of funds shall be exercised by the office of the president.
8	C.(1) The board shall establish rules and regulations for its own procedures,
9	establish policies for the operation of the statewide registry program for reporting
10	cancer cases established under the provisions of R.S. 40:1105.1 et seq., and establish
11	procedures for the allocation of any monies collected pursuant to R.S. 47:120.63
12	for the purposes of cancer prevention, control, or surveillance in Louisiana
13	criteria for review panels, and establish guidelines and deadlines for grant
14	applications to be submitted. The appointment of review panels for the purpose of
15	evaluating grant applications and making recommendations to the board on a priority
16	basis shall be made before monies are allocated. Any member of the board or review
17	panels with a direct conflict of interest shall excuse recuse himself or herself from
18	voting on <del>any grant proposal</del> the allocation of monies.
19	* * *
20	D. For purposes of this Section, the following definitions shall apply:
21	(1) "Clinical investigation" shall mean the application of the results of
22	medical research to treat patients.
23	(2) "Medical research" shall mean a program to determine the cause and
24	prevention of disease.
25	(3) "Training" shall mean the educational preparation for a subspecialist
26	career in cancer or lung disease.
27	E. A current report on the programs funded shall be made to the House
28	Committee on Ways and Means and to the Senate Committee on Revenue and Fiscal
29	Affairs, meeting jointly, prior to each regular session of the legislature.

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1	F. E. Any member of the board or of a review panel, whether or not such
2	member is compensated by the institution or organization he represents, shall recuse
3	himself from participating in any discussion or voting regarding any matter relating
4	to awarding a grant or contracting with the institution or organization he is appointed
5	to represent. No member of the board or of a review panel who complies with the
6	recusal provisions contained in this Subsection shall be deemed to have violated the
7	Code of Governmental Ethics. The appointment of a compensated employee as a
8	representative of a designated institution or organization shall not constitute a
9	prohibited relationship under the provisions of the Code of Governmental Ethics.
10	* * *
11	§1105.12. Louisiana Advisory Committee on Populations and Geographic Regions
12	With Excessive Cancer Rates; creation; membership; duties
13	* * *
14	F. * * *
15	(4) The committee shall seek comment and review of its conclusions and
16	findings from appropriate scientific, medical, or health panels established by local
17	chapters or affiliates of national groups that may include but should not be limited
18	to the following: The Louisiana State Medical Society, the Louisiana Cancer
19	Consortium, Louisiana Cancer and Lung Trust Fund Advisory Board, National
20	Cancer Institute, American College of Epidemiology, U. S. Public Health Service,
21	Louisiana State University Health Sciences Center, American Cancer Society, etc.
22	Final recommendations will be sent to the secretary of the Louisiana Department of
23	Health and other appropriate department agencies and officers as provided in this
24	Subsection.
25	* * *
26	§1105.13. Breast Cancer Control Program
27	* * *
28	C. To implement the provisions of this Section, there shall be a breast cancer
29	control agent in each of the Louisiana Department of Health regions, and all agents

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1	shall provide individual annual reports to the Louisiana Cancer <del>and Lung Trust Fund</del>
2	Advisory Board. The breast cancer control agents will be responsible for increasing
3	the statewide mammography utilization rate by launching a statewide initiative and
4	community outreach program to educate the public about the benefits of early
5	detection and treatment of breast cancer. The breast cancer control agents shall seek
6	additional sources of funding, both public and private, including federal grants made
7	available to states through 42 U.S.C. 300(k) et seq.
8	* * *
9	Section 2. R.S. 47:120.63 is hereby amended and reenacted to read as follows:
10	§120.63. Income tax checkoff; donation for Louisiana cancer; creation; use of
11	monies
12	A. Every individual who files an individual income tax return for the current
13	tax year and who is entitled to a refund may designate on his current year return that
14	all or any portion of the total amount of the refund to which he is entitled shall be
15	donated to the Louisiana Cancer and Lung Trust Fund Advisory Board, created
16	pursuant to R.S. 40:1299.88 R.S. 40:1105.9, for the purpose of combating cancer and
17	research into a cure for the disease. The designation shall be made at the time of the
18	filing of the current year tax return and shall be made upon the income tax return
19	form as provided by the secretary of the Department of Revenue. No donation made
20	under the provisions of this Subsection shall be invalid for lack of an authentic act.
21	B. Upon receipt of any taxpayer's current year income tax return upon which
22	the designation of a donation has been made pursuant to Subsection A of this
23	Section, the secretary shall enter in a central record the donation and the name of the
24	donor. The secretary shall forward all such donations to the Louisiana Cancer and
25	Lung Trust Fund Advisory Board annually, on or before March first of the year
26	following the year in which the tax return was filed. The board shall use the monies
27	derived from all such donations for the purpose of combating and researching cancer.
28	Section 3. R.S. 40:1105.11 is hereby repealed.
29	Section 4. This Act shall become effective upon signature by the governor or, if not

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- 1 signed by the governor, upon expiration of the time for bills to become law without signature
- 2 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
- 3 vetoed by the governor and subsequently approved by the legislature, this Act shall become
- 4 effective on the day following such approval.

The original instrument was prepared by Amanda Trapp. The following digest, which does not constitute a part of the legislative instrument, was prepared by Thomas L. Tyler.

# DIGEST SB 342 Reengrossed 2024 Regular Session Harris

<u>Present law</u> requires the LSU System president to establish the Louisiana Tumor Registry for reporting cancer cases for the purpose of gathering statistical data to aid in the assessment of cancer incidence, survival rates, possible causes of specific cancers, and other related aspects of cancer in Louisiana.

<u>Present law</u> establishes the Louisiana Cancer and Lung Trust Fund Board for the purpose of determining eligibility of medical research programs, clinical investigations, and training projects to receive funds.

<u>Proposed law</u> changes the name of the board <u>from</u> the Louisiana Cancer and Lung Trust Fund Board to the Louisiana Cancer Advisory Board and requires the board to establish procedures for allocating monies collected for the purpose of cancer prevention, control, and surveillance in Louisiana.

<u>Present law</u> requires the president to comply with reporting procedures and requirements established by the board.

<u>Proposed law</u> changes the responsibility of establishing the requirements <u>from</u> the board <u>to</u> the state, Centers for Disease Control and Prevention, and the National Cancer Institute.

<u>Present law</u> establishes procedures for health care providers and radiation center participating in the registry program.

<u>Proposed law</u> authorizes the Louisiana Tumor Registry board to enter into agreements to allow remote electronic access to medical records of cancer patients.

Present law provides for the membership of the board.

Proposed law makes changes to the membership of the board.

<u>Present law</u> requires the office of the president to annually publish a comprehensive report on the incidence of cancer in Louisiana and the progress made in reducing or eliminating the high cancer rates in Louisiana.

<u>Present law</u> additionally requires the board to annually publish a comprehensive report on the incidence of lung cancer in Louisiana and the progress made in reducing or eliminating the high lung cancer rates in Louisiana.

Proposed law repeals the lung cancer reporting requirement of the board.

Effective upon signature of the governor or lapse of time for gubernatorial action.

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## Summary of Amendments Adopted by Senate

# Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Adds a member to the advisory board.

#### Senate Floor Amendments to engrossed bill

- 1. Adds provision for the La. Tumor Registry to enter into agreements allowing remote electronic access to records of cancer patients.
- 2. Adds a representative of the Franciscan Missionaries of Our Lady Health System and a representative from Woman's Hospital to the board.