S T A T E O F N E W Y O R K

5483

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. MOLINARO, WALKER, KOLB, COOK, McKEVITT, TOBACCO, RAIA -- Multi-Sponsored by -- M. of A. ALFANO, BARCLAY, BARRA, BURLING, CONTE, CROUCH, DUPREY, FINCH, GIGLIO, HAWLEY, P. LOPEZ, QUINN, SAYWARD, SPANO, TEDISCO, THIELE, TOWNSEND -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to creating the breast cancer registry

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public health law is amended by adding a new article 27-M to read as follows:

ARTICLE 27-M
BREAST CANCER REGISTRY

SECTION 2799-T.1. DECLARATION OF POLICY.
2799-T.2. BREAST CANCER REGISTRY.
2799-T.3. COMMISSIONER; FUNCTIONS, POWERS AND DUTIES.
2799-T.4. REPORTING OF BREAST CANCER; CONFIDENTIALITY OF INFORMATION.

S 2799-T.1. DECLARATION OF POLICY. THE OCCURRENCE OF BREAST CANCER IS A TRAGEDY FOR THE INDIVIDUAL, THE FAMILY AND THE COMMUNITY, AND A MATTER OF VITAL CONCERN TO THE PUBLIC HEALTH. IN ORDER TO PROVIDE FOR THE PROTECTION AND PROMOTION OF THE HEALTH OF THE INHABITANTS OF THE STATE, THE DEPARTMENT SHALL HAVE THE CENTRAL AND COMPREHENSIVE RESPONSIBILITY FOR THE ADMINISTRATION OF THE STATE'S POLICY WITH RESPECT TO THE CONDUCT OF SCIENTIFIC INVESTIGATIONS AND RESEARCH CONCERNING THE CAUSES, PREVENTION, EARLY DETECTION AND TREATMENT OF BREAST CANCER. ALL INFORMATION SHALL BE AVAILABLE TO HEALTH CARE PROFESSIONALS THROUGH A TELECOMMUNICATIONS SYSTEM SET UP, MONITORED AND UPDATED BY THE DEPARTMENT OR UPON REQUEST TO THE DEPARTMENT.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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S 2799-T.2. BREAST CANCER REGISTRY. THE COMMISSIONER SHALL ESTABLISH WITHIN THE DEPARTMENT A BREAST CANCER REGISTRY FOR THE PURPOSES OF INVESTIGATING THE CAUSES, MORTALITY, METHODS OF TREATMENT AND PREVENTION OF BREAST CANCER.

S 2799-T.3. COMMISSIONER; FUNCTIONS, POWERS AND DUTIES. THE COMMISSIONER SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

1. TO CONDUCT SURVEYS OF THE CAUSES, MORTALITY, METHODS OF DETECTION, METHODS OF TREATMENT AND PREVENTION OF BREAST CANCER; SUCH DATA SHALL BE COLLECTED AT COUNTY LEVELS AND ORGANIZED BY HEALTH SYSTEM AGENCY REGIONS.

2. TO PUBLISH ON JANUARY FIRST AND JULY FIRST OF EACH YEAR THE RESULTS OF SUCH SURVEYS FOR THE BENEFIT OF THE PUBLIC HEALTH AND COLLATE SUCH PUBLICATIONS FOR DISTRIBUTION TO SCIENTIFIC ORGANIZATIONS AND QUALIFIED SCIENTISTS AND PHYSICIANS.

S 2799-T.4. REPORTING OF BREAST CANCER; CONFIDENTIALITY OF INFORMATION. 1. BREAST CANCER SHALL BE REPORTED WITHIN NINETY DAYS OF DISCOVERY BY PHYSICIANS AND HOSPITALS. SUCH DATA SHALL BE ENTERED BY THE DEPARTMENT INTO A CENTRAL COMPUTER DRIVEN REGISTRY WITHIN THIRTY DAYS OF RECEIPT, SUCH DATA SHOULD BE RETURNABLE NO LATER THAN TEN DAYS AFTER INPUT. INFORMATION SHALL BE AVAILABLE TO HEALTH CARE PROFESSIONALS ON DEMAND. SUCH DATA SHALL BE ORGANIZED BY REGION OF THE STATE, AGE, CLASSIFICATION AND WHATEVER CATEGORY DEEMED REASONABLE BY THE COMMISSIONER.

2. SUCH REPORTS AND INFORMATION CONTAINED IN THE REGISTRY SHALL BE KEPT CONFIDENTIAL AND SHALL NOT BE ADMISSIBLE AS EVIDENCE IN AN ACTION OR PROCEEDING IN ANY COURT OR BEFORE ANY OTHER TRIBUNAL, BOARD, AGENCY OR PERSON. THE COMMISSIONER SHALL, HOWEVER, AT LEAST ANNUALLY, PUBLISH ANALYSES OF SUCH REPORTS AND INFORMATION FOR SCIENTIFIC AND PUBLIC HEALTH PURPOSES, IN SUCH A MANNER AS TO ASSURE THAT THE IDENTITIES OF THE INDIVIDUALS CONCERNED CANNOT BE ASCERTAINED.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.