

ASSEMBLY BILL NO. 42—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE DIVISION OF PUBLIC
AND BEHAVIORAL HEALTH)

PREFILED DECEMBER 20, 2014

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to mammography and the reporting of information on cancer. (BDR 40-331)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to cancer; removing certain limitations on the use of radiation machines for mammography; revising provisions governing the system for reporting information on cancer maintained by the Chief Medical Officer; removing fees imposed on health care facilities for abstracting information from the facilities in certain circumstances; revising the penalty for certain violations relating to the reporting of such information; repealing an obsolete provision; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Division of Public and Behavioral Health of the Department of Health and Human Services to issue a certificate of authorization for a radiation machine for mammography if certain requirements are met. (NRS 457.184) **Section 1** of this bill removes the requirement that such a machine be used exclusively for mammography so that the machine may be used to perform other procedures.

Existing law requires certain facilities that provide screening, diagnostic or therapeutic services with respect to cancer and physicians who diagnose or provide treatment for cancer to report incidences of cancer pursuant to a system established by the Chief Medical Officer. (NRS 457.230, 457.240) **Sections 2-4** of this bill authorize the State Board of Health to require the reporting of incidences of other neoplasms to the system as well. Additionally, **section 2** requires any provider of



health care who diagnoses or provides treatment for cancer or other neoplasms to report such information.

Existing law requires: (1) the chief administrative officer of each health care facility to make available to the Chief Medical Officer or the Chief Medical Officer's representative the records of the health care facility for each case of neoplasm which is required to be reported; (2) the Division to abstract or require the facility to abstract certain information from such records; and (3) the Board to impose a fee on a health care facility from whose records such information is abstracted. (NRS 457.250) **Section 4** removes the fee imposed on a health care facility that abstracts information from its own records at the request of the Division. **Section 4** removes the criminal penalty for violating these provisions and instead provides for an administrative penalty to be prescribed by the Board.

Existing law requires the Division to make certain data relating to cancer available to any qualified researcher who complies with certain conditions. (NRS 457.260) **Section 5** of this bill requires a qualified researcher who wishes to obtain such data to be conducting valid scientific research.

Section 6 of this bill repeals a provision that designates the Nevada Cancer Institute as the official cancer institute for this State because that entity no longer exists.

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

Section 1. NRS 457.184 is hereby amended to read as follows:

457.184 1. The owner, lessee or other responsible person shall not operate or allow to be operated a radiation machine for mammography unless he or she:

(a) Has a valid certificate of authorization from the Division for the machine; and

(b) Is accredited by the American College of Radiology or meets the standards established by the ~~[Division]~~ *State Board of Health* pursuant to subsection 2 of NRS 457.065.

2. To obtain a certificate of authorization from the Division for a radiation machine for mammography, a person must:

(a) Submit an application to the Division on a form provided by the ~~[Division and provide any additional information required by the]~~ Division;

(b) Provide any additional information required by the Division; and

(c) Pay the fee required by the Division which must be calculated to cover the administrative costs directly related to the process of issuing the certificates.

3. After an inspection, the Division shall issue a certificate of authorization for a radiation machine for mammography if the machine:

(a) Meets the standards adopted by the State Board of Health pursuant to subsection 2 of NRS 457.065;

(b) Is specifically designed to perform mammography; and



(c) Is used ~~[exclusively]~~ to perform mammography.

4. A certificate of authorization for a radiation machine for mammography expires 1 year after the date on which it was issued unless renewed before that date. The Division may require an inspection of the machine as a prerequisite to renewal of a certificate and shall charge a fee for renewal that is calculated to cover the administrative costs directly related to the process of renewing certificates.

5. A person who owns or leases or is otherwise responsible for more than one radiation machine for mammography shall obtain a certificate of authorization for each radiation machine.

Sec. 2. NRS 457.230 is hereby amended to read as follows:

457.230 1. The Chief Medical Officer shall, pursuant to the regulations of the State Board of Health, establish and maintain a system for the reporting of information on cancer ~~[]~~ *and other neoplasms.*

2. The system must include a record of the cases of cancer *and other neoplasms, which are specified by the State Board of Health as subject to reporting,* which occur in this state along with such information concerning the cases as may be appropriate to form the basis for:

(a) The conducting of comprehensive epidemiologic surveys of cancer , ~~[and]~~ cancer-related diseases *and other neoplasms* in this state; and

(b) The evaluation of the appropriateness of measures for the prevention and control of cancer ~~[]~~ *and other neoplasms.*

3. Hospitals, medical laboratories and other facilities that provide screening, diagnostic or therapeutic services to patients with respect to cancer *and other neoplasms* shall report information on cases of cancer *and other neoplasms, which are specified by the State Board of Health as subject to reporting,* to the system.

4. ~~[Physicians]~~ *Any provider of health care* who ~~[diagnose]~~ *diagnoses* or ~~[provide]~~ *provides* treatment for cancer ~~[]~~ *or other neoplasms,* except for cases directly referred or previously admitted to a hospital, medical laboratory or other facility described in subsection 3, shall report information on cases of cancer *and other neoplasms, which are specified by the State Board of Health as subject to reporting,* to the system.

5. As used in this section ~~[, "medical"]~~ :

(a) *"Medical* laboratory" has the meaning ascribed to it in NRS 652.060.

(b) *"Provider of health care"* has the meaning ascribed to it in NRS 629.031.

Sec. 3. NRS 457.240 is hereby amended to read as follows:

457.240 The State Board of Health shall by regulation:



1 1. Prescribe the form and manner in which the information on
2 cases of cancer *and other neoplasms* must be reported;

3 2. Specify the ~~[malignant]~~ neoplasms which must be reported;

4 3. Prescribe other information to be included in each such
5 report, for example, the patient's name and address, the pathological
6 findings, the stage of the disease, the environmental and
7 occupational factors, the methods of treatment, the incidence of
8 cancer *or other neoplasms* in the patient's family, and the places
9 where the patient has resided; and

10 4. Establish a protocol for obtaining access to and preserving
11 the confidentiality of the patients' records needed for research into
12 cancer ~~[]~~ *and other neoplasms*.

13 **Sec. 4.** NRS 457.250 is hereby amended to read as follows:

14 457.250 1. The chief administrative officer of each health
15 care facility in this state shall make available to the Chief Medical
16 Officer or the Chief Medical Officer's representative the records of
17 the health care facility for ~~[every]~~ *each* case of ~~[malignant~~
18 ~~neoplasms which are]~~ *neoplasm that is* specified by the State Board
19 of Health as subject to reporting.

20 2. The Division shall abstract from the records of the health
21 care facility or shall require the health care facility to abstract from
22 their own records such information as is required by the State Board
23 of Health. The Division shall compile the information timely and
24 not later than 6 months after it abstracts the information or receives
25 the abstracted information from the health care facility.

26 3. The *State Board of Health* shall by regulation adopt a
27 schedule of fees which must be assessed to the health care facility
28 for each case from which information is abstracted by the Division
29 ~~[or by the health care facility]~~ pursuant to subsection 2. ~~[The fee~~
30 ~~assessed to a facility which abstracts information from its own~~
31 ~~records must not exceed one third of the amount assessed to~~
32 ~~facilities for which the Division abstracts.]~~

33 4. Any person who violates this section is ~~[guilty of a~~
34 ~~misdemeanor and shall be punished by a fine of \$1,000, and may be~~
35 ~~further punished by imprisonment in the county jail for not more~~
36 ~~than 6 months.]~~ *subject to the administrative penalty established by*
37 *the State Board of Health pursuant to subsection 5.*

38 5. *The State Board of Health shall adopt regulations*
39 *establishing the administrative penalty for any violation of this*
40 *section.*

41 **Sec. 5.** NRS 457.260 is hereby amended to read as follows:

42 457.260 1. The Division shall publish reports based upon the
43 material obtained pursuant to NRS 457.230, 457.240 and 457.250
44 and shall make other appropriate uses of the material to ~~[identify]~~
45 *report and assess* trends in the incidence of cancer in a particular



1 area or population, advance research and education concerning
2 cancer and improve treatment of the disease.

3 2. The Division shall provide any qualified researcher *whom*
4 *the Division determines is conducting valid scientific research*
5 with data from the reported information upon the researcher's:

6 (a) Compliance with appropriate conditions as established under
7 the ~~[Board's]~~ regulations ~~[:]~~ *of the State Board of Health;* and

8 (b) Payment of a fee to cover the cost of providing the data.

9 **Sec. 6.** NRS 457.075 is hereby repealed.

10 **Sec. 7.** This act becomes effective on July 1, 2015.

TEXT OF REPEALED SECTION

457.075 Designation of official cancer institute. The Nevada Cancer Institute is hereby designated as the official cancer institute of the State of Nevada.

