

California

**Cancer Surveillance System**

State	Statute/Rule	Language Specific to Surveillance System	Data Sharing	Research Authority	Consent Required?
CA	<p>STATUTE: Health and Safety Code Section 103875-103885</p> <p>RULE: California Code of Regulations, Title 17, §2593 -</p>	<p><b>Section 103875. (a)</b> The department shall conduct a program of epidemiological assessments of the incidence of cancer. The program shall encompass all areas of the state for which cancer incidence data are available. The program shall include the monitoring of cancers associated with suspected carcinogens encountered by the general public both in occupational locations and in the environment generally.</p>	<p><b>103885. ... (f)</b> All physicians and surgeons, hospitals, outpatient clinics, nursing homes and all other facilities, individuals or agencies providing diagnostic or treatment services to patients with cancer shall grant to the department or the authorized representative access to all records that would identify cases of cancer or would establish characteristics of the cancer, treatment of the cancer, or <i>medical status of any identified cancer patient</i> ...</p>	<p><b>103885. ... (g)(3)</b> Persons with a valid scientific interest who are engaged in demographic, epidemiological, or other similar studies related to health who meet qualifications as determined by the department, and who agree, in writing, to maintain confidentiality, may be authorized access to confidential information.</p> <p><b>(4)</b> The department and any regional cancer registry designated by the department may enter into agreements to furnish confidential information to other states' cancer registries,</p>	NO

*CCHF REPORT 2013: Patient Privacy and Public Trust:  
How Health Surveillance Systems Are Undermining Both*

		<p><b>103885. (a)</b> The director shall establish a statewide system for the collection of information determining the incidence of cancer, using population-based cancer registries modeled after the Cancer Surveillance Program of Orange County. As of the effective date of this section the director shall begin phasing in the statewide cancer reporting system... By July 1, 1990, the statewide cancer reporting system shall be fully operational... <b>(c)</b> The director shall designate cancer as a disease required to be reported in the state or any demographic parts of the state in which cancer information is collected under this section. All cancers diagnosed or treated in the reporting area shall thereafter be reported to the representative of the department authorized to compile the cancer data, or any individual, agency, or organization designated to cooperate with that representative.</p>	<p><b>(g)(4)</b>The department and any regional cancer registry designated by the department may enter into agreements to furnish confidential information to other states' cancer registries, federal cancer control agencies, local health officers, or health researchers... <i>[emphasis added]</i></p> <p><b>103885. ... (g)(6)</b> The furnishing of confidential information to the department or its authorized representative in accordance with this section shall not expose any person, agency, or entity furnishing information to liability, and shall not be considered a waiver of any privilege or a violation of a confidential relationship.</p>	<p>federal cancer control agencies, local health officers, or health researchers for the purposes of determining the sources of cancer and evaluating measures designed to eliminate, alleviate, or ameliorate their effect. Before confidential information is disclosed to those agencies, officers, researchers, or out-of-state registries, the requesting entity shall agree in writing to maintain the confidentiality of the information, and in the case of researchers, shall also do both of the following:</p>	
--	--	--	---	---	--

*CCHF REPORT 2013: Patient Privacy and Public Trust:  
How Health Surveillance Systems Are Undermining Both*

		<p><b>§2593 Neoplasm, Cancer. (a)</b> Definitions. ...<b>(3)</b> Regional cancer registry means the organization authorized to receive and collect cancer data for a designated area of the state an which maintains the system by which the collected information is reported to the Department...<b>(13)</b> Modeled after the Cancer Surveillanc3 Program of Orange County means a population-based registry that collects treatment data, has a phased implementation, collects follow-up data, has a community advisory component and receives data in a machine-readable format from cancer reporting facilities...</p>	<p><b>§2593. ... (b)(18)</b> Cancer reporting facilities and physicians shall employ a mechanism to ensure that their patients are informed that cancer has been designated a reportable disease and that the facility will report each patient with cancer to the Department as required by law. Patient information sheets for this purpose will be supplied to physicians by the Department.</p>	<p><b>(A)</b> Obtain approval of their committee for the protection of human subjects established in accordance with Part 46 (commencing with Section 46.101) of Title 45 of the Code of Federal Regulations...</p>	
--	--	---	---	---	--