# Maryland

## Cancer Surveillance System

<table>
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<tr>
<th>State</th>
<th>Statute/Rule</th>
<th>Language Specific to Surveillance System</th>
<th>Data Sharing</th>
<th>Research Authority</th>
<th>Consent Required?</th>
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</table>
| MD    | STATUTE: Maryland Code, Title 18, Subtitles 1 and 2. MC Title 13, Subtitle 11. RULE: 10.14.01.00 to .06 | § 18-204. Cancer or a central nervous system tumor. 
…(b) Requirements; inspection of records; confidentiality requirements; liability; regulations; annual report 
(1) Each hospital which has care of a patient with cancer or a central nervous system tumor, each freestanding laboratory, freestanding ambulatory care facility, or therapeutic radiological center which has care of or has diagnosed cancer or a central nervous system tumor for a nonhospitalized patient, and each physician who has care of or has diagnosed cancer or a central nervous system tumor for a nonhospitalized patient not otherwise reported shall: | §18-203. Information provided to a cancer control agency in another state. Notwithstanding any other provision of law, the Department may provide patient-identifying information for patients treated in this State for cancer to a cancer control agency in another state if… | § 18-104. Cancer. 
(a) Investigations. - The Secretary shall investigate, if feasible, means to prevent, treat, and cure cancer. 
(b) Carcinogens. - The Secretary may adopt procedures to obtain information about cancers that are caused by carcinogens and about the incidence of these cancers. | NO |
1. Submit a cancer report to the Secretary, on the form that the Secretary provides or in a computerized file;

2. Make available to the Secretary, or an agent of the Secretary, at the facility the information necessary to compile a cancer report; or

3. Enter into an agreement with a hospital or other facility or agency that agrees to report to the Maryland Cancer Registry to act as the reporting source for a cancer or central nervous system tumor patient who has been referred to or from that facility, or reported to that agency with regard to cancer or central nervous system tumor screening, diagnosis, or treatment; and

§ 18-204. (4) Each hospital, freestanding laboratory, freestanding ambulatory care facility, therapeutic radiological center, or physician who in good faith submits a cancer report to the Secretary is not liable in any cause of action arising from the submission of the report. [emphasis added]

10.14.01.03 Content of a Cancer Report. A cancer report shall contain:
A. Reasonably obtained patient demographic information, including risk factors;
B. Relevant information on the:
   (1) Initial diagnosis,
   (2) Initial treatment,

Subtitle 11. Cancer Prevention, Education, Screening, and Treatment Program…

§ 13-1103. Surveillance and Evaluation Component. …(c) Baseline Cancer Study – Initiation. –

(1) To initiate the Surveillance and Evaluation Component, the Department shall conduct a comprehensive statewide Baseline Cancer Study as provide in this section.
(2) The Department may:
   (i) Conduct the Baseline Cancer Study or any part of the Study; or
   (ii) Contract with a higher education institution or private entity to conduct the Baseline Cancer Study or any part of the Study. …
**Effective July 1, 1993,** submit a cancer report in a computerized file on a quarterly basis to the Secretary, or an agent of the Secretary, for all patients initially diagnosed, treated, or admitted to a facility for cancer or a central nervous system tumor during that calendar quarter.

**A cancer report is not a medical record under Title 4, Subtitle 3 of this article, but is subject to the confidentiality requirements of Title 4, Subtitle 1 of this article.**

**To assure compliance with this section,** the Secretary, or an agent of the Secretary, may inspect upon reasonable notice a representative sample of the medical records of patients diagnosed, treated, or admitted for cancer or a central nervous system tumor at the facility.

**Extent of the disease by the end of the first hospitalization using a standard nomenclature specified by the Secretary, and**

**Extent of the disease within 2 months of diagnosis using a standard nomenclature specified by the Secretary if the information is available to the reporting facility and the reporting facility has a tumor registry.**

**Baseline Cancer Study - Use of other data.** In order to maximize the cost effectiveness of the Baseline Cancer Study, the Department may use data in the Maryland Cancer Registry or provided by other sources, to the extent that these sources provide reliable data relating to the factors listed in subsection (d) of this section.

**Biennial Cancer Study**

**Required.** Beginning in fiscal year 2004 and biennially thereafter, the Department shall conduct a Biennial Cancer Study...

**Reports.** On or before September 1 of each odd numbered fiscal year, beginning in fiscal year 2005, the Department shall submit a report to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly, on the results of the Biennial Cancer Study.
<p>| (3)(i) Information obtained under this subsection shall be confidential and subject to Title 4, Subtitle 1 of this article. (ii) This subsection does not apply to a disclosure by the Secretary to another governmental agency performing its lawful duties pursuant to State or federal law where the Secretary determines that the agency to whom the information is disclosed will maintain the confidentiality of the disclosure. (iii) A cancer report is not a medical record under Title 4, Subtitle 3 or this article but is subject to the confidentiality requirements of Title 4, Subtitle 1 of this article. | 10.14.01.07 Confidentiality of Cancer Report. ...C. The Secretary may release confidential information, subject to: (1) A determination by the Secretary that a recipient of the information disclosed will maintain the confidentiality of the disclosed information; and (2) An agreement signed by the Secretary and by the recipient of the confidential information that the recipient of the information will maintain the confidentiality of the disclosed information. | 10.14.01.07 Confidentiality of Cancer Report. A. Information obtained under this chapter is not a medical record under Health-General Article, §4-301, Annotated Code of Maryland, but it subject to the confidentiality requirement of Health-General Article, §§ 4-101 – 4-103, Annotated Code of Maryland. B. The Secretary may release confidential data to: |</p>
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<td><strong>D.</strong> The Secretary shall release confidential data to a requestor in response to a written request only, in accordance with Health-General Article, §§ 4-101 – 4-102, Annotated Code of Maryland. <strong>E.</strong> A reporting facility that in good faith submits a cancer report to the Secretary is not liable in any cause of action arising from the submission of the cancer report to the Secretary.</td>
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<td><strong>(1)</strong> An institution or individual researcher for medical, epidemiological, health care, or other cancer-related or CNS tumor-related research approved by the Secretary and the Department’s Institutional Review Board (IRB) in order to further the cancer control goals of the State set forth in Regulation .04 of this chapter. <strong>(2)</strong> A reporting facility… <strong>(3)</strong> An out-of-State cancer registry or cancer control agency which request routine data … <strong>(4)</strong> Each county health officer and the Baltimore City Commissioner of Health; and <strong>(5)</strong> Another governmental agency performing its lawful duties pursuant to State or federal law.</td>
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