## West Virginia

### Cancer Surveillance System

<table>
<thead>
<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>
</tr>
</thead>
<tbody>
<tr>
<td>WV</td>
<td>STATUTE W.V.C. Chapter 16, Article 5A RULE: WVCSR, Title 64, Series 68</td>
<td>§16-5A-2a. Cancer and tumor registry. (a) To the extent funds are available, the director of the division of health shall establish a cancer and tumor registry for the purpose of collecting information concerning the incidence of cancer and nonmalignant intracranial and central nervous system tumors.</td>
<td>§16-5A-2a. (b) All reporting sources, including hospitals, physicians, laboratories, clinics or other similar units diagnosing or providing treatment for cancer and nonmalignant intracranial and central nervous system tumors, shall provide a report of each cancer or tumor case to the cancer and tumor registry in a format specified by the director. The reporting sources shall grant the director or an authorized representative of the registry access to all records which would identify cases of cancer or nonmalignant intracranial and central nervous system tumors or would establish characteristics of cancer or nonmalignant</td>
<td>§16-5A-2a. (c) All information reported pursuant to this section is confidential and shall be used for the purpose of determining the sources of malignant neoplasms and nonmalignant intracranial and central nervous system tumors and evaluating measures designed to eliminate, alleviate or ameliorate their effect. A report provided to the cancer and tumor registry disclosing the identity of an individual who was reported as having cancer or tumors shall only be released to reporting sources and persons demonstrating a need which is essential to health related research, except that the release shall be conditioned upon the reporting source and personal identities remaining confidential. No liability of any kind or character for damages or other relief shall arise or be enforced against any reporting source by reason of</td>
<td>NO</td>
</tr>
</tbody>
</table>

Copyright © Citizens’ Council for Health Freedom August 2013

Updated August 2012. All state statutes and department rules originally accessed online July/Aug 2008.

Statute/Rule data not inclusive. For comprehensive or updated language, access complete statute and rules online, at local library or through the state legislature.

www.cchfreedom.org
The information collected by the registry shall be analyzed to prepare reports and perform studies as necessary when such data identifies hazards to public health. Pending appropriate funding, a statewide system shall be phased in and be fully operational by the first day of July, two thousand two, pursuant to the enactment of this section in two thousand one.

§64-68-4. Reporting…4.3 Features of Health care facility reporting. 4.3.a. Any health care facility diagnosing or treating cancer patients within the state of West Virginia shall submit the required information on all reportable cases of cancer served by that facility to the West Virginia Cancer Registry within six months of diagnosis.

…4.3.c. If the health care facility fails to report in a format prescribed by the commissioner, authorized West Virginia Cancer Registry personnel may enter the health care facility, access the information and report it in the appropriate format…

having provided the information or material to the cancer and tumor registry.

§64-68-4. Reporting…4.5 The West Virginia Cancer Registry shall collect standardized data usable for research purposes.

§64-68-5. Confidentiality; Disclosure. 5.1. No person who obtains information protected by the provisions of W. Va. Code §16-5A-2a and this rule may disclose confidential information to any other person except in strict compliance with W. Va. Code §16-5A-2a and this rule.

5.2. Any person who obtains information protected by the provisions of W. Va. Code §16-5A-2a and this rule shall sign a statement that he or she fully understands and will maintain the confidentiality of the information.

5.3. The West Virginia Cancer Registry may release information which identifies a specific patient to the reporting source which originally reported the cancer case.
§64-68-3. Definitions

3.3. Cancer Registry - A registry maintained for the collection of information concerning newly diagnosed cancer cases. …

3.13. West Virginia Cancer Registry - The office within the bureau for public health which collects and maintains information on cancer cases.

4.4. Health care facilities shall provide authorized West Virginia Cancer Registry personnel access to all medical records which would identify cases of cancer or establish characteristics of cancer to collect the required information on reportable cases of cancer for the purposes of assuring the accuracy and completeness of reported data. Registry staff shall schedule access at reasonable times convenient to the health care facility and registry staff. The West Virginia Cancer Registry staff shall notify the health care facility a minimum of thirty days in advance of its need to access medical records to allow for the health care facility to prepare records for review.

5.4. The West Virginia Cancer Registry may release information which identifies a specific patient whose address at the time of diagnosis was outside West Virginia to the central cancer registry in the state where the patient resides. The West Virginia Cancer Registry shall release the information only to central cancer registries in states which have confidentiality standards equivalent to those of West Virginia and which establish reciprocal reporting with West Virginia. The West Virginia Cancer Registry shall have a written agreement with other state cancer registries to which it releases information which specifically addresses provisions for maintaining confidentiality.

5.5. The West Virginia Cancer Registry may release case data to cancer researchers for the purposes of cancer prevention, control and research. [emphasis added]
| 5.4. The West Virginia Cancer Registry may release information which identifies a specific patient whose address at the time of diagnosis was outside West Virginia to the central cancer registry in the state where the patient resides… |