

LCB File No. R075-98

PROPOSED REGULATION OF THE HEALTH DIVISION OF THE DEPARTMENT OF HUMAN RESOURCES

The amendments to chapter 457 of NAC are in the process of being scheduled for workshops in Reno and Las Vegas in June 1998. It is planned that these amendments will come before the State Board of Health for approval at its August 7, 1998, meeting.

Proposed Changes to NAC Chapter 457

CANCER

REPORTING INFORMATION ON CANCER

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REPORTING INFORMATION ON CANCER

457.010 Definitions. As used in NAC 457.010 to 457.150, inclusive, unless the context otherwise requires:

1. "Cancer" has the meaning ascribed to it in NRS 457.020.
2. "Health care facility" has the meaning ascribed to it in NRS 457.020.
3. "Health division" means the health division of the department of human resources.
4. "Malignant neoplasm" means a virulent or potentially virulent tumor, regardless of the tissue of origin.
5. "Registry" means the office in which the state health officer conducts the program for reporting information on cancer and maintains records containing that information.
6. "Medical laboratory" has the meaning ascribed to it in NRS 652.060.
7. "Physician" has the meaning ascribed to it in NRS 630.014 and NRS 633.091.

[Bd. of Health, Malignant Neoplasms Reg. § 1, eff. 3-19-70]—(NAC A 12-3-84; 1-24-92; 10-22-93)

457.050 Health care facility abstracting of information.

1. Health care facilities must provide information concerning malignant neoplasms **[must be abstracted]** by abstracting information on a form prescribed by the state health officer or his designee.
2. Health care facilities **[The information]** must **[be abstracted]** abstract information in conformance with the standards for abstracting information concerning malignant neoplasms of the Commission on Cancer of the American College of Surgeons as set forth in the set forth in the Registry Operations and Data Standards (ROADS) Manual dated January 1996 which is

hereby adopted by reference. [Cancer Program Manual, Edition of January 1991, published by the Commission on Cancer of the American College of Surgeons.] A [free] copy of the manual [edition] may be obtained from the American College of Surgeons, 633 North St. Claire Street [55 East Erie Street], Chicago, Illinois 60611.

3. The state health officer shall review any revision or amendment to the standards specified in subsection 1 to determine whether the revision or amendment is appropriate for application in this state. For purposes of enforcing the provisions of this chapter, a revision or amendment to the standards specified in subsection 1 is effective in this state 10 days after its revision or amendment unless the state health officer files an objection to the amendment or revision with the state board of health.

[3]4. A health care facility which does not use the staff of the health division to abstract information from its records shall cause to have abstracted and reported to the health division the malignant neoplasms listed in NAC 457.040 in the manner required by this section.

[4]5. If a health facility with 100 beds or more does not use the staff of the health division to abstract information from its records concerning malignant neoplasms, it shall cause to have abstracted and reported to the health division, pursuant to subsection 3, the malignant neoplasms listed in NAC 457.040 using an electronic means approved by the state health officer or his designee, unless an exemption from this requirement is granted by the state health officer.

(Added to NAC by Bd. of Health, eff. 12-3-84; A 10-22-93)

457.055 Medical laboratory reporting of information.

1. A medical laboratory that obtains a specimen of human tissue which upon laboratory examination shows evidence of cancer, shall provide information concerning its findings using an electronic means approved by the state health officer or his designee.

2. Information provided by medical laboratories pursuant to subsection 1 must include:

- a. The name, address, date of birth, gender, and social security number of the person from whom the specimen was obtained.
- b. The name and address or telephone number of the physician who ordered the laboratory examination of the specimen.
- c. The name and address or telephone number of the medical laboratory that examined the specimen.
- d. The final diagnosis from the pathology report
- e. Other information from the pathology report including:
 - (1.) The anatomical site of the lesion.
 - (2.) The size of the lesion.
 - (3.) The stage of disease and the grade of tumor.
 - (4.) The lesion margin status if available.
 - (5.) Lymphatic involvement if available.

3. Information provided by medical laboratories pursuant to this section must be submitted within 10 working days from the date the pathology report is completed.

457.057 Physicians reporting of information.

1. Except as provided in subsection 3 , physicians who diagnose or provide treatment for cancer shall report information concerning the case on a form prescribed by the state health officer or his designee or using an electronic means approved by the state health officer or his designee.

2. Information provided by physicians pursuant to subsection 1 shall include:

- a. The name, address, date of birth, gender, race/ethnicity and social security number of the person on whom the diagnosis was made.
- b. The name and address or telephone number of the physician making the report.
- c. The final diagnosis from the pathology report
- d. Other information from the pathology report including:
 - (1.) The anatomical site of the lesion.
 - (2.) The size of the lesion.
 - (3.) The stage of disease and the grade of tumor.
 - (4.) The lesion margin status if available.
 - (5.) Lymphatic involvement if available.

3. A physician is not required to provide information pursuant to this section if the person diagnosed with cancer is being directly referred or has been previously admitted to a hospital, medical laboratory or other facility which is required to report pursuant to this chapter.

4. Information provided by physicians pursuant to this section must be submitted within 10 working days of the date of diagnosis.

457.060 Confidentiality of information. All documents in the possession of the registry which contain names of patients, physicians or hospitals are confidential except the list of names of hospitals which report information to the registry.

(Added to NAC by Bd. of Health, eff. 12-3-84)

457.070 Procedures for maintaining confidentiality of information. Each employee of the health division who has access to confidential information of the registry shall comply with the following procedures for maintaining the confidentiality of that information:

1. All files containing confidential information, including the indexes for access to other files, must be locked when not in use.

2. All computer files containing confidential information, including the indexes for access to other files, must be closed and password protected when not in use.

3. Computer passwords must be changed every 30 days.

[2] 4. All documents containing confidential information must be out of sight when an employee is away from his desk.

[3] 5. Keys to the office of the registry may be issued to and used only by employees so authorized by the state health officer.

[4] 6. The doors to the registry must be locked at all times when the office is vacant.

(Added to NAC by Bd. of Health, eff. 12-3-84)

457.080 Procedures for taking confidential information outside the offices of the health division. Each employee of the health division who takes confidential information of the registry outside the offices of the division shall comply with the following procedures:

1. Any documents including computer files containing the information must be kept in the employee's briefcase when the documents or computer files are not in use.

2. If the employee takes any such documents or computer files home or to a hotel or motel, he must:

(a) Safeguard it to the greatest extent possible; and

(b) Protect it from view by unauthorized persons.

3. The contents of such a document or computer file must not be discussed with the employee's relatives or friends.

4. If a briefcase or other container with such a document or computer file is to be:

(a) Left in the employee's car, the container must be locked in the trunk of the car.

(b) Taken as baggage on an airplane, bus or other carrier, the container must be kept in the employee's possession and must not be checked with the carrier unless the size or weight of the container precludes its being retained in the employee's possession.

(Added to NAC by Bd. of Health, eff. 12-3-84)

457.090 Mailing of confidential information; list of persons authorized to receive confidential information.

1. If confidential information of the registry is to be mailed to a physician or health care facility, the envelope or container must be addressed directly to the physician or to the person designated by the health care facility to receive such information.
2. The state health officer shall keep a list of the persons who have been designated by the chief administrator of the health care facility to receive confidential information of the registry.

(Added to NAC by Bd. of Health, eff. 12-3-84; A 10-22-93)

457.100 Persons with whom the state health officer contracts. If the state health officer contracts with another person to perform data processing or other services using the confidential information of the registry, the other person shall maintain the confidentiality of the information to the same extent as is required in NAC 457.010 to 457.150, inclusive, and shall not disclose any of the information to a third person without the prior approval of the state health officer.

(Added to NAC by Bd. of Health, eff. 12-3-84; A 1-24-92)

457.110 Disclosure of information: Authorized recipients; verification of identity.

1. The state health officer or person employed in the registry shall not disclose the existence or nonexistence in the registry of a record concerning any patient or disclose other information about the patient except to:

- (a) The physician who treated the patient;
- (b) The health care facility where the patient was treated;
- (c) A health care facility or a registry connected with that facility which has participated or is participating in treating the patient; or
- (d) A qualified researcher in cancer.

2. If a request for information about a patient is made over the telephone by the physician who treated the patient or by a representative of the health care facility in which the patient was treated, and the caller is not known to the employee who receives the call at the registry, he must verify the identity of the caller in the manner described in NAC 457.130.

(Added to NAC by Bd. of Health, eff. 12-3-84; A 10-22-93)

457.120 Disclosure of information: Requirements of person seeking information. The state health officer [or person employed in the registry](#) may provide confidential medical information in the registry concerning a patient's medical treatment for cancer with any health care facility,

or registry connected with the facility which has participated or is participating in treating that patient's illness if the person seeking the information:

1. Has been identified in the manner described in NAC 457.130;
2. Furnishes the employee of the registry with specific information, other than the patient's name, which is sufficient to identify the patient without using his name; and
3. Gives assurances to the employee of the registry that the confidentiality of the information will be maintained to the same extent as is required in NAC 457.010 to 457.150, inclusive.

(Added to NAC by Bd. of Health, eff. 12-3-84; A 1-24-92; 10-22-93)

457.130 Verification of identity of person making request by telephone. If an employee in the registry receives a request to provide confidential information over the telephone pursuant to NAC 457.110 or 457.120, and he does not personally know the requester, the employee shall verify the identity of the requester by making a telephone call to the telephone number, listed in a directory or given by an operator, for the purported person or facility.

(Added to NAC by Bd. of Health, eff. 12-3-84)

457.140 Disclosure of information: Scientific research.

1. A person who desires to use the confidential records of individual patients or the statistical data of the registry for the purpose of scientific research into cancer must apply in writing to the state health officer. The applicant must:

(a) Set forth in his application:

(1) His qualifications as an epidemiologist, physician or employee of a bona fide program of research into cancer or other qualification for using confidential information and statistical data in the registry; and

(2) A description of the research project in which that information will be used.

(b) Sign a statement, on a form furnished by the state health officer or his designee, in which the applicant agrees not to make any copies of the records, and to maintain the confidentiality of the information in the records in the manner required by NAC 457.010 to 457.150, inclusive.

(c) Agree to submit to the state health officer or his designee for review and approval any proposed publication which is based on or contains information obtained from the registry.

2. The state health officer or his designee must:

(a) Before a researcher is allowed access to information in the registry, make a written finding that he is qualified as a researcher and has a need for the information; and

(b) Before any material based on or containing information from the registry is published by the researcher, examine and give written approval for the proposed publication.

(Added to NAC by Bd. of Health, eff. 12-3-84; A 1-24-92)

457.150 Fees. The state health officer shall charge and collect from:

1. A health care facility, a fee of [~~\$20~~] \$30 for each abstract prepared by the health division from the records of the health care facility and a fee of [~~\$6~~] \$10 for each abstract prepared by the health care facility from its own records.

2. A medical researcher or other person who obtains information from the registry, a fee of [~~\$25~~] \$35 or the actual cost of furnishing the information, whichever is larger.

(Added to NAC by Bd. of Health, eff. 12-3-84; A 8-31-89; 10-22-93)