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AN ACT

to establish a cancer registry system for the collection of information on the incidence of cancer and related data; to provide for the confidentiality of identifying information regarding individual patients, health care facilities and health care providers; and for related purposes.

ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

**Section 1. Short title.**

This Act may be cited as the Cancer Registry Act 2009.

**Section 2. Definitions.**

In this Act, unless the context otherwise requires -

(a) “**Bureau**” means the bureaus directly responsible for providing health care services to Majuro Atoll, Kwajalein Atoll and Outer Islands in the Republic.

(b) “**Cancer**” means all malignant neoplasms, regardless of the tissue of origin, including malignant lymphoma disease and all benign brain tumors.

(c) “**Cancer Program**” means the Cancer Comprehensive Program in the Ministry of Health.

(d) “**Health care facility**” means a hospital, nursing home, clinic, community health center, dispensary, office or other institution that provides medical care in the Republic of the Marshall Islands.

(e) “**Health care provider**” means a physician (M.D., M.B.B.S., M.O., D.O., or D.D.S), Medex, nurse practitioner, registered nurse, graduate nurse, nurse midwife, practical nurse or health assistants in the Republic of the Marshall Islands.

(f) “**IRC**” means the Ministry’s Institutional Review Committee.

(g) “**MOH**” means Ministry of Health

- 1 (h) “**Minister**” means the Minister of Health responsible for health Services.
- 2 (i) “**Ministry**” means the Ministry of Health Services.
- 3 (j) “**Secretary**” means the Secretary for the ministry responsible for health services.
- 4 (k) “**Section 177 Health Care Program**” means the health care program established under
- 5 Article II, Section 1(a) of the Agreement between the Government of the United States
- 6 and the Government of the Marshall Islands for the Implementation of Section 177 of the
- 7 Compact of Free Association.

8 **Section 3. Cancer Registry.**

- 9 (a) The Ministry of Health shall be responsible for establishing a uniform, nation-wide
- 10 Cancer Registry system for collection of information regarding the incidence of
- 11 cancer and related data.
- 12 (b) The Secretary shall be responsible for establishing necessary policies and guidelines
- 13 for collection of information regarding the incidence of cancer and related data in
- 14 compliance with this Act.
- 15 (c) All cancers diagnosed or treated in the Republic shall be registered with the Registry
- 16 and reported to the Secretary.
- 17 (d) The Cancer Program shall be responsible for registering all cancers diagnosed or
- 18 treated in the Republic and compile report on all cancer-related data to the Secretary.
- 19 (e) The Secretary shall be responsible for:
- 20 (1) Establishing a training program for the personnel of participating health care
- 21 facilities;
- 22 (2) Establishing quality control system for recording, reporting and data collection
- 23 on cancer within the Ministry;

1 (3) Establishing quality control system through the MOH Institutional Review  
2 Committee (IRC) for sharing of data collected in the Registry with agencies  
3 outside the Ministry of Health for any epidemiological studies on cancer in the  
4 RMI; for publishing of reports on cancer in the RMI; to ensure any publication is  
5 endorsed by the Government and for the benefit of the people of the Marshall  
6 Islands;

7 (4) Establishing quality control measures necessary for the release of data from  
8 the registry to agencies and institution such as the United States National Institutes  
9 of Health (NIH) and the Center for Disease Control and Prevention (CDC).

10 **Section 4. Participation in program.**

11 Each health care facility, namely the Leroij Atama Medical Center in Majuro and the  
12 Leroij Kitlang Memorail Hospital on Ebeye, and health care provider diagnosing or providing  
13 treatment to cancer patients shall comply with procedures and guidelines stipulated under  
14 Section 3. Within 120 days of the effective date of this Act, the Secretary, IRC of the MOH shall  
15 jointly promulgate a plan to set forth the format, content and timing of the report required by this  
16 section, including remedies and for non-compliance. Any cancer patient whose diagnosis or  
17 treatment has been confirmed shall be registered into the Registry.

18 **Section 5. Confidentiality.**

19 (a) All information reported pursuant to this Act shall be confidential and privileged. The  
20 Secretary shall establish proper protocols and policies necessary to ensure that all  
21 identifying information is kept confidential.

22 (b) All identifying information regarding an individual patient, health care provider or  
23 health care facility contained in records of interviews, written reports, letters or

1 statements procured by the Ministry, or by any other person, agency or organization  
2 acting jointly with the Ministry, in connection with cancer morbidity and mortality  
3 studies shall be confidential and privileged and may be used solely for the purposes of  
4 the study. The Secretary shall establish control mechanism for publishing statistical  
5 compilations relating to morbidity and mortality studies, which do not identify  
6 individual cases or sources of information as stipulated under Section 3 above.

7 **Section 6. Disclosure.**

8 (a) The Secretary may enter into agreements to exchange confidential information with  
9 other cancer registries or health care facilities in order to obtain complete reports of  
10 RMI residents diagnosed or treated in other countries, or subdivisions thereof, and to  
11 provide information to other countries, and subdivisions thereof, regarding their  
12 residents diagnosed or treated in the RMI.

13 (b) The Secretary shall establish proper guidelines and control measures for furnishing  
14 statistical information to other nations' cancer registries, cancer control agencies, or  
15 health researchers in order to collaborate in a national or regional cancer registry or to  
16 collaborate in cancer control and prevention research studies. Before releasing  
17 confidential information, the Secretary shall first obtain evidence of the approval of  
18 the MOH IRC or academic committee for the protection of human subjects or the  
19 equivalent.

20 **Section 7. Liability.**

21 (a) No action for damages arising from the disclosure of confidential or privileged  
22 information may be maintained against any person, or the employer or employee of

1 any person, who participates in good faith in the reporting of cancer registry data or  
2 data for cancer morbidity or mortality studies in accordance with this Act.

3 (b) No license of a health care facility or health care provider may be denied, suspended  
4 or revoked for the good faith disclosure of confidential or privileged information in  
5 the reporting of cancer registry data for cancer morbidity or mortality studies in  
6 accordance with this Act.

7 (c) Nothing in this section shall be construed to apply to the unauthorized disclosure of  
8 confidential or privileged information when such disclosure is due to gross  
9 negligence or willful misconduct.

10 **Section 8. Administration of the Act.**

11 The Ministry of Health shall administrate and promulgated regulations under the Act  
12 subject to Administrative Procedure Act.

13 **Section 9. Effective date.**

14 This Act shall take effect on the date of certification in accordance with Article IV of the  
15 Constitution and Rules and Procedures of the Nitijela.

