

**§1402. Duty of physicians and hospitals**

All hospitals and other health care facilities providing screening, diagnostic or therapeutic services with respect to cancer shall report to the Department of Health and Human Services all persons diagnosed as having a malignant tumor or certain benign tumors as determined by rule no later than 6 months from the date of diagnosis. The report must include information on the person's usual occupation and industry of employment and other elements determined by rule to be appropriate. The Commissioner of Health and Human Services shall adopt rules to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [PL 2003, c. 421, §11 (AMD); PL 2003, c. 689, Pt. B, §§6, 7 (REV).]

A physician, surgeon or other health care practitioner who diagnoses or provides treatment for cancer patients, upon notification by the Department of Health and Human Services, shall report to the department any further information requested by the department concerning any person now or formerly under the health care practitioner's care, diagnosed as having or having had a malignant tumor. A physician, surgeon or other health care practitioner who diagnoses or provides treatment for cancer patients is required to report any newly diagnosed cancer case to the department when that patient will not be referred to a reporting facility for diagnosis or treatment. [PL 1995, c. 292, §1 (AMD); PL 2003, c. 689, Pt. B, §6 (REV).]

A facility or individual complying with the reporting requirements of this section is not liable for any civil damages as a result of such acts. [PL 1995, c. 292, §1 (AMD).]

The requirements of this section do not apply to health care practitioners who provide treatment by spiritual means alone. [PL 1995, c. 292, §1 (NEW).]

**SECTION HISTORY**

PL 1971, c. 603 (NEW). PL 1985, c. 407, §1 (AMD). PL 1995, c. 292, §1 (AMD). PL 2003, c. 421, §11 (AMD). PL 2003, c. 689, §§6,7 (REV).

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