

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2307 Session of
1988

INTRODUCED BY COLE, RYAN, IRVIS AND ARTY, MARCH 22, 1988

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, SEPTEMBER 27, 1988

AN ACT

1 ~~Amending~~ REENACTING AND AMENDING the act of December 18, 1980 <—
2 (P.L.1241, No.224), entitled "An act creating the
3 Pennsylvania Cancer Control, Prevention and Research Advisory
4 Board, providing authorization for the Secretary of Health,
5 upon the recommendation of the Pennsylvania Cancer Control,
6 Prevention and Research Advisory Board, to award grants and
7 contracts for cancer control, prevention and research to
8 associations organized in Pennsylvania and to governmental
9 agencies in Pennsylvania," ~~extending the sunset provision of~~ <—
10 ~~the act.~~ REENACTING THE PROVISIONS OF THE ACT WHICH EXPIRED <—
11 ON JUNE 30, 1988; EXTENDING CERTAIN PROVISIONS OF THE ACT TO
12 NONPROFIT ORGANIZATIONS; PROVIDING FOR LIMITED GRANTS; AND
13 EXTENDING THE SUNSET PROVISIONS OF THE ACT.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 SECTION 1. SECTIONS 1 AND 2 OF THE ACT OF DECEMBER 18, 1980 <—
17 (P.L.1241, NO.224), KNOWN AS THE PENNSYLVANIA CANCER CONTROL,
18 PREVENTION AND RESEARCH ACT, ARE REENACTED TO READ:

19 SECTION 1. SHORT TITLE.

20 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE "PENNSYLVANIA
21 CANCER CONTROL, PREVENTION AND RESEARCH ACT."

22 SECTION 2. DEFINITIONS.

1 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
2 HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE
3 MEANINGS GIVEN TO THEM IN THIS SECTION:

4 "BOARD." THE PENNSYLVANIA CANCER CONTROL, PREVENTION AND
5 RESEARCH ADVISORY BOARD ESTABLISHED BY THIS ACT.

6 "CANCER." ALL MALIGNANT NEOPLASMS, REGARDLESS OF THE TISSUE
7 OF ORIGIN, INCLUDING MALIGNANT LYMPHOMA AND LEUKEMIA.

8 "SECRETARY." THE SECRETARY OF HEALTH OF THE COMMONWEALTH OF
9 PENNSYLVANIA.

10 SECTION 2. SECTIONS 3 AND 4 OF THE ACT ARE REENACTED AND
11 AMENDED TO READ:

12 SECTION 3. PENNSYLVANIA CANCER CONTROL, PREVENTION AND
13 RESEARCH ADVISORY BOARD.

14 (A) THERE IS HEREBY CREATED IN THE DEPARTMENT OF HEALTH THE
15 "PENNSYLVANIA CANCER CONTROL, PREVENTION AND RESEARCH ADVISORY
16 BOARD." THE BOARD SHALL CONSIST OF 11 MEMBERS, ALL OF WHOM SHALL
17 BE PENNSYLVANIA RESIDENTS, TEN OF WHOM THE GOVERNOR SHALL
18 APPOINT BY AND WITH THE CONSENT OF A MAJORITY OF THE SENATE. OF
19 THE TEN APPOINTED, THREE SHALL BE DISTINGUISHED SCIENTISTS AND
20 PHYSICIANS IN THE FIELD OF CANCER, ONE SHALL BE A QUALIFIED
21 PROFESSIONAL NURSE ENGAGED IN THE PRACTICE OF ONCOLOGICAL
22 NURSING, ONE SHALL BE SKILLED IN HEALTH CARE ADMINISTRATION AND
23 TWO WITH SUBSTANTIAL EXPERIENCE IN THE FIELD OF PUBLIC HEALTH,
24 ONE OF WHOM SHALL BE A PROFESSIONAL NURSE ENGAGED IN THE
25 PRACTICE OF COMMUNITY HEALTH NURSING, AND THREE CONSUMER
26 MEMBERS. THE SECRETARY OF HEALTH SHALL BE A MEMBER OF THE BOARD.

27 (B) THE TERMS OF THE MEMBERS SHALL BE FOUR YEARS FROM THE
28 RESPECTIVE DATE OF THEIR APPOINTMENT AND UNTIL THEIR SUCCESSORS
29 ARE APPOINTED AND QUALIFIED, EXCEPT THAT THE INITIAL APPOINTMENT
30 SHALL BE MADE IN SUCH A MANNER SO THAT FOUR MEMBERS BE APPOINTED

1 FOR TERMS OF FOUR YEARS, THREE MEMBERS BE APPOINTED FOR TERMS OF
2 THREE YEARS, AND THREE MEMBERS BE APPOINTED FOR TERMS OF TWO
3 YEARS.

4 (C) A CHAIRMAN SHALL BE APPOINTED BY THE GOVERNOR FOR A TERM
5 OF FOUR YEARS.

6 (D) THE BOARD SHALL MEET NO LESS THAN FOUR TIMES ANNUALLY AT
7 THE CALL OF THE CHAIRMAN OR, IN HIS ABSENCE OR INCAPACITY AT THE
8 CALL OF THE SECRETARY OF HEALTH. SIX MEMBERS OF THE BOARD SHALL
9 CONSTITUTE A QUORUM FOR THE PURPOSE OF EXERCISING ALL OF THE
10 POWERS OF THE BOARD. A VOTE OF THE MAJORITY OF THE MEMBERS
11 PRESENT SHALL BE SUFFICIENT FOR ALL ACTIONS OF THE BOARD.

12 (E) EACH BOARD MEMBER, EXCEPT THE SECRETARY, SHALL RECEIVE
13 ACTUAL TRAVELLING EXPENSES AND OTHER NECESSARY EXPENSES.

14 (F) NO MEMBER OF THE BOARD SHALL PARTICIPATE IN ANY
15 DISCUSSIONS AND DECISIONS TO RECOMMEND GRANTS OR CONTRACTS TO
16 ANY QUALIFIED ASSOCIATION OR TO ANY AGENCY OF THE COMMONWEALTH
17 OR ITS POLITICAL SUBDIVISIONS WITH WHICH THE MEMBER IS
18 ASSOCIATED AS A MEMBER OF THE GOVERNING BODY OR AS AN EMPLOYEE,
19 OR WITH WHICH THE MEMBER HAS ENTERED INTO ANY CONTRACTUAL
20 ARRANGEMENT.

21 SECTION 4. RESPONSIBILITIES OF THE BOARD.

22 (A) THE BOARD SHALL HAVE THE POWER TO PRESCRIBE, AMEND AND
23 REPEAL BYLAWS GOVERNING THE MANNER IN WHICH THE BUSINESS OF THE
24 BOARD IS CONDUCTED.

25 (B) THE BOARD SHALL ADVISE THE SECRETARY WITH RESPECT TO
26 CANCER CONTROL, PREVENTION AND RESEARCH IN PENNSYLVANIA.

27 (C) THE BOARD SHALL APPROVE EACH YEAR A PROGRAM FOR CANCER
28 CONTROL, PREVENTION AND RESEARCH TO BE KNOWN AS THE
29 "PENNSYLVANIA CANCER PLAN."

30 (D) IN ORDER TO IMPLEMENT IN WHOLE OR IN PART THE

PENNSYLVANIA CANCER PLAN, THE BOARD SHALL RECOMMEND TO THE SECRETARY THE AWARDING OF GRANTS AND CONTRACTS TO QUALIFIED ASSOCIATIONS, NONPROFIT ORGANIZATIONS OR GOVERNMENTAL AGENCIES IN ORDER TO PLAN, ESTABLISH OR CONDUCT PROGRAMS IN CANCER CONTROL OR PREVENTION, CANCER EDUCATION AND TRAINING AND CANCER CLINICAL RESEARCH.

(E) GRANTS AND CONTRACTS MAY BE RECOMMENDED FOR:

(1) CANCER REGISTRY.

(2) CANCER SCREENING, DETECTION AND PREVENTION.

(3) CANCER EPIDEMIOLOGY AND BIOSTATISTICAL STUDIES.

(4) CANCER COMMUNITY OUTREACH PROGRAMS, INCLUDING, BUT NOT LIMITED TO, GRANTS FOR THE PROVISION OF FACILITIES AND PERSONNEL FOR CONDUCTING SUMMER CAMPS AND OTHER ACTIVITIES FOR CANCER AFFLICTED CHILDREN.

(5) CANCER REHABILITATION.

(6) COMMUNICATION AND PLANNING AMONG CANCER INSTITUTIONS.

(7) CANCER EDUCATION AND INFORMATION.

(8) CANCER TRAINING.

(9) CANCER CLINICAL RESEARCH.

(F) CONSISTENT WITH THE PENNSYLVANIA CANCER PLAN THE BOARD SHALL GIVE ITS FIRST PRIORITY TO FUNDING GRANTS AND CONTRACTS RELATING TO SUBSECTION (E)(1), (2) [AND], (3) AND (4); SECOND PRIORITY TO FUNDING GRANTS AND CONTRACTS RELATING TO SUBSECTION [(E)(4),] (E)(5) AND (6); THIRD PRIORITY TO FUNDING GRANTS AND CONTRACTS RELATING TO SUBSECTION (E)(7), (8) AND (9).

(G) THE FOLLOWING CRITERIA SHALL BE GIVEN CONSIDERATION FOR RECOMMENDING GRANTS AND CONTRACTS FOR PROGRAMS:

(1) THE RELEVANCY OF APPLICANT'S PROPOSAL TO THE PENNSYLVANIA CANCER PLAN; AND

1 (2) THE FEASIBILITY OF THE APPLICANT'S PROPOSAL.

2 (H) THE BOARD SHALL RECOMMEND TO THE SECRETARY RULES AND
3 REGULATIONS CONSISTENT WITH LAW AS IT MAY DEEM NECESSARY FOR THE
4 PERFORMANCE OF ITS DUTIES AND THE PROPER ADMINISTRATION OF THIS
5 ACT.

6 (I) THE BOARD SHALL REPORT ANNUALLY TO THE GOVERNOR AND THE
7 GENERAL ASSEMBLY. THE REPORT SHALL INCLUDE, BUT NOT BE LIMITED
8 TO, A FULL DESCRIPTION OF THE GRANTS AND CONTRACTS FUNDED
9 PURSUANT TO THIS ACT, THE AMOUNT OF THE GRANT OR CONTRACT, AN
10 OUTLINE OF THE PROPOSAL ON WHICH THE GRANT WAS BASED, AND THE
11 RESULTS ACHIEVED AS A RESULT OF THE GRANT.

12 SECTION 3. SECTIONS 5 AND 6 OF THE ACT ARE REENACTED TO
13 READ:

14 SECTION 5. RESPONSIBILITIES OF THE SECRETARY.

15 (A) THE SECRETARY SHALL AWARD GRANTS AND CONTRACTS ONLY FROM
16 AMONG THOSE RECOMMENDED BY THE BOARD TO QUALIFIED PENNSYLVANIA
17 ASSOCIATIONS AND GOVERNMENTAL AGENCIES IN ORDER TO PLAN,
18 ESTABLISH OR CONDUCT PROGRAMS IN CANCER CONTROL AND PREVENTION,
19 CANCER EDUCATION AND TRAINING AND CANCER RESEARCH. THE SECRETARY
20 MAY REQUEST ADDITIONAL RECOMMENDATIONS FROM THE BOARD.

21 (B) THE SECRETARY SHALL PROVIDE SUCH STAFF, INFORMATION AND
22 OTHER ASSISTANCE AS THE SECRETARY MAY DEEM NECESSARY FOR THE
23 COMPLETION OF THE BOARD'S RESPONSIBILITIES. SUCH STAFF SHALL BE
24 RESPONSIBLE TO THE SECRETARY.

25 SECTION 6. CANCER REGISTRY.

26 (A) THE DEPARTMENT OF HEALTH SHALL ESTABLISH A SYSTEM FOR
27 THE STATEWIDE COLLECTION AND DISSEMINATION OF DATA ON CASES OF
28 CANCER BY ANATOMICAL SITE, MEDICAL AND OCCUPATIONAL HISTORY OF
29 PATIENTS, STAGE OF DISEASE AND OTHER DATA NECESSARY TO
30 EFFECTUATE THE PROVISIONS OF THIS ACT AS DETERMINED BY THE

1 DEPARTMENT.

2 (B) PERSONS IN CHARGE OF HOSPITALS AND LABORATORIES SHALL BE
3 REQUIRED BY THE DEPARTMENT OF HEALTH, IN ACCORDANCE WITH ITS
4 REGULATIONS ADOPTED WITH THE ADVICE OF THE BOARD TO REPORT CASES
5 OF CANCER ON FORMS FURNISHED BY THE DEPARTMENT.

6 (C) THE REPORTS REQUIRED PURSUANT TO THIS ACT SHALL BE
7 CONFIDENTIAL AND NOT OPEN TO PUBLIC INSPECTION OR DISSEMINATION.
8 THIS SHALL NOT RESTRICT THE COLLECTION AND ANALYSIS OF DATA BY
9 THE DEPARTMENT OF HEALTH OR THOSE WITH WHOM THE DEPARTMENT
10 CONTRACTS, SUBJECT TO STRICT SUPERVISION BY THE DEPARTMENT OF
11 HEALTH TO INSURE THAT THE USE OF THE REPORTS IS LIMITED TO
12 SPECIFIC RESEARCH PURPOSES.

13 Section ~~4~~ 4. Section 7 of the act ~~of December 18, 1980~~ <—
14 ~~(P.L.1241, No.224), known as the Pennsylvania Cancer Control,~~
15 ~~Prevention and Research Act,~~ amended June 30, 1984 (P.L.510,
16 No.102), is REENACTED AND amended to read: <—

17 Section 7. Sunset provisions.

18 With the exception of section 6, this act shall expire on
19 June 30, [1988] 1992, unless otherwise extended by an act of the
20 General Assembly.

21 SECTION 5. THIS ACT SHALL BE RETROACTIVE TO JUNE 30, 1988. <—

22 SECTION 6. THE MEMBERS OF THE PENNSYLVANIA CANCER CONTROL,
23 PREVENTION AND RESEARCH ADVISORY BOARD, AS OF JUNE 30, 1988,
24 SHALL CONTINUE TO SERVE AS BOARD MEMBERS UNTIL THEIR PRESENT
25 TERMS OF OFFICE EXPIRE AND UNTIL THEIR SUCCESSORS SHALL BE
26 APPOINTED AND QUALIFIED.

27 SECTION 7. ANY RULES, REGULATIONS, BYLAWS OR PLANS ADOPTED
28 PURSUANT TO THE PENNSYLVANIA CANCER CONTROL, PREVENTION AND
29 RESEARCH ACT IN EFFECT ON JUNE 30, 1988, SHALL REMAIN IN EFFECT
30 UNTIL REPEALED OR AMENDED BY THE COMMISSION OR THE DEPARTMENT AS

1 MAY BE APPROPRIATE.

2 Section ~~2~~ 8. This act shall take effect immediately.

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