



*The President* **PRESIDENTIAL COMM. NO. 15-215**  
*Palikir, Pohnpei* **FSM CONGRESS**  
*Federated States of Micronesia*

June 20, 2008

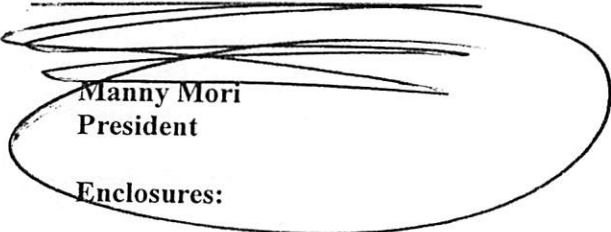
The Honorable Isaac V. Figir  
Speaker  
15<sup>th</sup> FSM Congress  
Palikir, Pohnpei, FM 96941

Dear Speaker Figir:

I am pleased to transmit herewith Congressional Act No. 15-46, which have become Public Law No. 15-39.

Congressional Act No. 15-46, "AN TO FURTHER AMEND TITLE 41 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, BY ENACTING A NEW CHAPTER 11 THEREOF, TO ESTABLISH A CANCER REGISTRY SYSTEM IN THE FEDERATED STATES OF MICRONESIA FOR THE COLLECTION OF INFORMATION ON THE INCIDENCE OF CANCER AND RELATED DATA; TO PROVIDE FOR THE CONFIDENTIALITY OF IDENTIFYING INFORMATION REGARDING CANCER PATIENTS, HEALTH CARE FACILITIES AND HEALTH CARE PROVIDERS; AND FOR OTHER PURPOSES."

Sincerely,



Manny Mori  
President

Enclosures:

XC: Chief Justice, FSM Supreme Court  
Secretary, Department of Justice  
Legislative Counsel, CFSM  
Library, CFSM  
Director, SBOC  
PIO, FSM



CONGRESS OF THE FEDERATED STATES OF MICRONESIA

P.O. Box PS 3  
Palikir, Sokehs  
Pohnpei State, FM 96941  
Tel: (691) 320-2324 / 2338  
Fax: (691) 320-5122

Office of the Chief Clerk

**PRESIDENTIAL COMM. NO. 15-215**  
**FSM CONGRESS**

June 03, 2008



His Excellency Manny Mori  
President  
Federated States of Micronesia  
Palikir, Pohnpei FM 96941

Dear Mr. President:

I have the honor to transmit herewith Congressional Act No. 15-46, "AN ACT TO FURTHER AMEND TITLE 41 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, BY ENACTING A NEW CHAPTER 11 THEREOF, TO ESTABLISH A CANCER REGISTRY SYSTEM IN THE FEDERATED STATES OF MICRONESIA FOR THE COLLECTION OF INFORMATION ON THE INCIDENCE OF CANCER AND RELATED DATA; TO PROVIDE FOR THE CONFIDENTIALITY OF IDENTIFYING INFORMATION REGARDING CANCER PATIENTS, HEALTH CARE FACILITIES AND HEALTH CARE PROVIDERS; AND FOR OTHER PURPOSES.", which was passed by the Fifteenth Congress of the Federated States of Micronesia, Fourth Regular Session, 2008, by a two-thirds vote of all the State delegations as required and as duly certified.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Liwiana K. Ramon".

Liwiana K. Ramon  
Chief Clerk, Congress of the  
Federated States of Micronesia

Enclosures



PRESIDENTIAL COMM. NO. 15-215  
FSM CONGRESS



FIFTEENTH CONGRESS OF THE  
FEDERATED STATES OF MICRONESIA  
FOURTH REGULAR SESSION  
MAY 12 - 31, 2008

**PUBLIC LAW No. 15-39**

## An Act

TO FURTHER AMEND TITLE 41 OF THE CODE OF THE FEDERATED STATES OF MICRONESIA, AS AMENDED, BY ENACTING A NEW CHAPTER 11 THEREOF, TO ESTABLISH A CANCER REGISTRY SYSTEM IN THE FEDERATED STATES OF MICRONESIA FOR THE COLLECTION OF INFORMATION ON THE INCIDENCE OF CANCER AND RELATED DATA; TO PROVIDE FOR THE CONFIDENTIALITY OF IDENTIFYING INFORMATION REGARDING CANCER PATIENTS, HEALTH CARE FACILITIES AND HEALTH CARE PROVIDERS; AND FOR OTHER PURPOSES.

INTRODUCED BY: SENATOR RESIO S. MOSES

DATE: MAY 11, 2007

REFERRED TO: HEALTH, EDUCATION AND SOCIAL AFFAIRS COMMITTEE

S.C.R. NO. 15-113 – MAY 27, 2008

FIRST READING: MAY 28, 2008

SECOND READING: MAY 29, 2008

Liwiana K. Ramon  
Chief Clerk, FSM Congress





Office of the Speaker

CONGRESS OF THE FEDERATED STATES OF MICRONESIA

P.O. Box PS 3  
Palikir, Sokehs  
Pohnpei State, FM 96941  
Tel: (691) 320-2324 / 2338  
Fax: (691) 320-5122

**PRESIDENTIAL COMM. NO. 15-215**  
**FSM CONGRESS**

ACT NO. 15-46

(CONGRESSIONAL BILL NO. 15-05, C.D.1)

We hereby certify that on May 29 the foregoing act passed Second and Final Reading of the Fifteenth Congress of the Federated States of Micronesia, Fourth Regular Session, 2008, by a two-thirds vote of all the State delegations as required under article IX, section 20, of the Constitution of the Federated States of Micronesia.

A handwritten signature in black ink, appearing to read "Isaac V. Figir".

Isaac V. Figir  
Speaker  
Congress of the  
Federated States of Micronesia

A handwritten signature in black ink, appearing to read "Liwiana K. Ramon".

Liwiana K. Ramon  
Chief Clerk  
Congress of the  
Federated States of Micronesia

FIFTEENTH CONGRESS OF THE FEDERATED STATES OF MICRONESIA

FIRST REGULAR SESSION, 2007

CONGRESSIONAL BILL NO. 15-05, C.D.1

**PUBLIC LAW No. 15-39**

AN ACT

To further amend title 41 of the Code of the Federated States of Micronesia, as amended, by enacting a new chapter 11 thereof, to establish a Cancer Registry System in the Federated States of Micronesia for the collection of information on the incidence of cancer and related data; to provide for the confidentiality of identifying information regarding cancer patients, health care facilities and health care providers; and for other purposes.

BE IT ENACTED BY THE CONGRESS OF THE FEDERATED STATES OF MICRONESIA:

1       Section 1. Title 41 of the Code of the Federated States of  
2 Micronesia, as amended, is hereby further amended by enacting a  
3 new chapter 11 entitled "Cancer Registry System Act".

4       Section 2. Title 41 of the Code of the Federated States of  
5 Micronesia, as amended, is hereby further amended by adding a new  
6 section 1101 of chapter 11 to read as follows:

7       "Section 1101. Short title. This chapter shall be known  
8 and cited as the 'Cancer Registry System Act'."

9       Section 3. Title 41 of the Code of the Federated States of  
10 Micronesia, as amended, is hereby further amended by adding a new  
11 section 1102 of chapter 11 to read as follows:

12       "Section 1102. Definitions.

13       As used in this chapter, the following terms shall have  
14 the following meanings set forth below:

15       (1) "Cancer" means all malignant neoplasms,  
16 regardless of the tissue of origin, including malignant

1 lymphoma disease and all benign brain tumors.

2 (2) "Health care facility" means a hospital, nursing  
3 home, clinic, community health center, dispensary,  
4 office or other institution that provides medical care  
5 in the Federated States of Micronesia

6 (3) "Health care provider" means a physician (M.D.,  
7 M.B.B.S., M.O., D.O., or D.D.S), medex, nurse  
8 practitioner, registered nurse, graduate nurse, nurse  
9 midwife, practical nurse and/or health assistant in the  
10 Federated States of Micronesia.

11 (4) "Secretary" means the Secretary of Health,  
12 Education and Social Affairs (HESA) or person designated  
13 by the Secretary to compile information, prepare  
14 reports, or perform any functions required or permitted  
15 under this Act."

16 Section 3. Title 41 of the Code of the Federated States of  
17 Micronesia, as amended, is hereby further amended by adding a new  
18 section 1103 of chapter 11 to read as follows:

19 "Section 1103. Cancer Registry.

20 (1) The Secretary and each health facility and health  
21 care provider shall jointly establish a uniform, nation-  
22 wide population-based cancer registry system for the  
23 collection of information regarding the incidence of  
24 cancer and related data. The Secretary and each health  
25 care facility and health care provider shall jointly



1       adopt rules necessary to effect the purposes of this  
2       Act, including the data to be reported and the effective  
3       date after which reporting by health care facilities and  
4       health care providers' shall be required.

5       (2) The Secretary shall establish a training program  
6       for the personnel of participating health care  
7       facilities and a quality control program for cancer  
8       data. The Secretary shall collaborate in studies with  
9       clinicians and epidemiologists and publish reports on  
10      the results of such studies. The Secretary shall  
11      cooperate with the U.S. National Institutes of Health  
12      and the Centers for Disease Control in providing cancer  
13      incidence data."

14      Section 4. Title 41 of the Code of the Federated States of  
15      Micronesia, as amended, is hereby further amended by adding a new  
16      section 1104 of chapter 11 to read as follows:

17      "Section 1104. Participation in program.

18      Each health care facility and health care provider  
19      diagnosing or providing treatment to cancer patients  
20      shall report to the Secretary each cancer case that  
21      occurs within that facility or provider's office.

22      Within 120 days of the effective date of this Act, the  
23      Secretary and each health care provider and health care  
24      facility shall jointly promulgate a plan to set forth  
25      the format, content and timing of the report required by

1       this section, including remedies and penalties for non-  
2       compliance. Any cancer patient whose diagnosis or  
3       treatment is reported to the Secretary shall be informed  
4       of this fact by the health care facility or health care  
5       provider prior to submission of the report. This  
6       section shall only apply to cancer cases diagnosed or  
7       treated following the effective date of this Act."

8       Section 5. Title 41 of the Code of the Federated States of  
9       Micronesia, as amended, is hereby further amended by adding a new  
10      section 1105 of chapter 11 to read as follows:

11       "Section 1105. Confidentiality.

12           (1) All information reported pursuant to this Act  
13       shall be confidential and privileged. The Secretary  
14       shall take strict measures to ensure that all  
15       identifying information is kept confidential.

16           (2) All identifying information regarding an  
17       individual patient, health care provider or health care  
18       facility contained in records of interviews, written  
19       reports, letters or statements procured by the  
20       Secretary, or by any other person, agency or  
21       organization acting jointly with the Secretary, in  
22       connection with cancer morbidity and mortality studies  
23       shall be confidential and privileged and may be used  
24       solely for the purposes of the study. Nothing in this  
25       section shall prevent the Secretary from publishing



1 statistical compilations relating to morbidity and  
2 mortality studies, which do not identify individual  
3 cases or sources of information."

4 Section 6. Title 41 of the Code of the Federated States of  
5 Micronesia, as amended, is hereby further amended by adding a new  
6 section 1106 of chapter 11 to read as follows:

7 "Section 1106. Disclosure.

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

16 (2) The Secretary may furnish statistical information  
17 to other nations' cancer registries, cancer control  
18 agencies, or health researchers in order to collaborate  
19 in a national or regional cancer registry or to  
20 collaborate in cancer control and prevention research  
21 studies. Before releasing confidential information, the  
22 Secretary shall first obtain evidence of the approval of  
23 his or her academic committee for the protection of  
24 human subjects or the equivalent."

25 Section 7. Title 41 of the Code of the Federated States of

1 Micronesia, as amended, is hereby further amended by adding a new  
2 section 1107 of chapter 11 to read as follows:

3 "Section 1107. Liability.

4 (1) No action for damages arising from the disclosure  
5 of confidential or privileged information may be  
6 maintained against any person, or the employer or  
7 employee of any person, who participates in good faith  
8 in the reporting of cancer registry data or data for  
9 cancer morbidity or mortality studies in accordance with  
10 this Act.

11 (2) No license of a health care facility or health  
12 care provider may be denied, suspended or revoked for  
13 the good faith disclosure of confidential or privileged  
14 information in the reporting of cancer registry data for  
15 cancer morbidity or mortality studies in accordance with  
16 this Act.

17 (3) Nothing in this section shall be construed to  
18 apply to the unauthorized disclosure of confidential or  
19 privileged information when such disclosure is due to  
20 gross negligence or willful misconduct."

21 Section 8. Title 41 of the Code of the Federated States of  
22 Micronesia, as amended, is hereby further amended by adding a new  
23 section 1108 of chapter 11 to read as follows:

24 "Section 1108. Penalties for unauthorized  
25 disclosure of confidential information.



**PUBLIC LAW No. 15-39**

(1) Any person who discloses confidential information obtained for the purposes of this Chapter, except in accordance with this Chapter, shall be guilty of an offense and shall be liable on conviction in a court of law to a fine of \$2,000 or to imprisonment for not more than six months, or to both such fine and imprisonment.

Section 9. Effective date. This Act shall take effect upon its approval by the President, or upon its becoming law without such approval, except as otherwise provided by law.

06, 20, 2008

  
Manny Mori  
President  
Federated States of Micronesia