

By: Straus

H.B. No. 2132

Substitute the following for H.B. No. 2132:

By: Delisi

C.S.H.B. No. 2132

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the creation of a diabetes mellitus registry pilot
3 program.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. DIABETES MELLITUS REGISTRY PILOT PROGRAM. (a)

6 In this section, "department" means the Department of State Health
7 Services.

8 (b) The department in coordination with a public health
9 district shall develop and implement a pilot program to create and
10 maintain a diabetes mellitus registry.

11 (c) The department shall select to participate in the pilot
12 program a public health district that serves a county with a
13 population of less than two million and contains a municipality
14 with a population of over one million. The department and the
15 public health district shall create an electronic registry to track
16 the glycosylated hemoglobin level of each person who has a
17 laboratory test to determine that level performed at a clinical
18 laboratory in the district.

19 (d) A clinical laboratory located in the participating
20 public health district shall submit to the district and the
21 department the results of each glycosylated hemoglobin test that
22 the laboratory performs.

23 (e) The department and the participating public health
24 district shall:

1 (1) compile results submitted under Subsection (d) of
2 this section in order to track:

3 (A) the prevalence of diabetes mellitus among
4 people tested in the district;

5 (B) the level of control the patients in each
6 demographic group exert over the diabetes mellitus;

7 (C) the trends of new diagnoses of diabetes
8 mellitus in the district; and

9 (D) the health care costs associated with
10 diabetes mellitus; and

11 (2) promote discussion and public information
12 programs regarding diabetes mellitus.

13 (f) The participating public health district is solely
14 responsible for the costs of establishing and administering the
15 pilot program.

16 SECTION 2. RULES. The executive commissioner of the Health
17 and Human Services Commission shall adopt rules to implement
18 Section 1 of this Act, including rules to govern the format and
19 method of collecting glycosylated hemoglobin data.

20 SECTION 3. CONFIDENTIALITY. (a) Reports, records, and
21 information obtained under this Act are confidential, privileged,
22 not subject to disclosure under Chapter 552, Government Code, and
23 not subject to subpoena, and may not otherwise be released or made
24 public except as provided by this Act. The reports, records, and
25 information obtained under this Act are for the confidential use of
26 the Department of State Health Services and the public health
27 district participating in the pilot program and the persons or

1 public or private entities that the department and district
2 determine are necessary to carry out the intent of this Act.

3 (b) Medical or epidemiological information may be released:

4 (1) for statistical purposes in a manner that prevents
5 identification of individuals, health care facilities, clinical
6 laboratories, or health care practitioners;

7 (2) with the consent of each person identified in the
8 information; or

9 (3) to promote diabetes mellitus research, including
10 release of information to other diabetes registries and appropriate
11 state and federal agencies, under rules adopted by the executive
12 commissioner of the Health and Human Services Commission to ensure
13 confidentiality as required by state and federal laws.

14 (c) An employee of this state or a public health district
15 may not testify in a civil, criminal, special, or other proceeding
16 as to the existence or contents of records, reports, or information
17 concerning an individual whose medical records have been used in
18 submitting data required under this Act unless the individual
19 consents in advance.

20 (d) Data furnished to a diabetes mellitus registry or a
21 diabetes researcher under Subsection (b) of this section is for the
22 confidential use of the diabetes mellitus registry or the diabetes
23 researcher, as applicable, and is subject to Subsection (a) of this
24 section.

25 SECTION 4. REPORT. Not later than December 1, 2009, the
26 Department of State Health Services shall submit a report to the
27 governor, lieutenant governor, speaker of the house of

1 representatives, and appropriate standing committees of the
2 legislature regarding the diabetes mellitus pilot program that
3 includes:

4 (1) an evaluation of the effectiveness of the pilot
5 program; and

6 (2) a recommendation to continue, expand, or eliminate
7 the pilot program.

8 SECTION 5. EXPIRATION. This Act expires September 1, 2010.

9 SECTION 6. EFFECTIVE DATE. This Act takes effect
10 immediately if it receives a vote of two-thirds of all the members
11 elected to each house, as provided by Section 39, Article III, Texas
12 Constitution. If this Act does not receive the vote necessary for
13 immediate effect, this Act takes effect September 1, 2007.