

By: Straus

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 2 million and contains a municipality with a
14 population of over one million. The department and the public
15 health district shall create an electronic registry to track the
16 glycosylated hemoglobin level of each person who has a laboratory
17 test to determine that level performed at a clinical laboratory in
18 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) in
2 order to track:

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

5 (B) the level of control an individual patient is
6 exerting over the patient's 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) notify a patient's physician when the patient's
12 level of control indicates additional medication or treatment may
13 be required; and

14 (3) promote discussion and public information
15 programs regarding diabetes mellitus.

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 and are not
22 subject to disclosure under Chapter 552, Government Code, are not
23 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) as specifically provided by Section 1(e)(2) of
5 this Act;

6 (2) for statistical purposes in a manner that prevents
7 identification of individuals, health care facilities, clinical
8 laboratories, or health care practitioners;

9 (3) with the consent of each person identified in the
10 information; or

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

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

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

27 SECTION 4. REPORT. Not later than December 1, 2009, the

1 Department of State Health Services shall submit a report to the
2 governor, lieutenant governor, speaker of the house of
3 representatives, and the appropriate standing committees of the
4 legislature, regarding the diabetes mellitus pilot program that
5 includes:

6 (1) an evaluation of the effectiveness of the pilot
7 program; and

8 (2) a recommendation to continue, expand, or eliminate
9 the pilot program.

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

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