

1-1 By: Straus (Senate Sponsor - Van de Putte) H.B. No. 2132  
1-2 (In the Senate - Received from the House May 9, 2007;  
1-3 May 10, 2007, read first time and referred to Committee on Health  
1-4 and Human Services; May 15, 2007, reported favorably by the  
1-5 following vote: Yeas 6, Nays 0; May 15, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the creation of a diabetes mellitus registry pilot  
1-9 program.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. DIABETES MELLITUS REGISTRY PILOT PROGRAM. (a)  
1-12 In this section, "department" means the Department of State Health  
1-13 Services.

1-14 (b) The department in coordination with a public health  
1-15 district shall develop and implement a pilot program to create and  
1-16 maintain a diabetes mellitus registry.

1-17 (c) The department shall select to participate in the pilot  
1-18 program a public health district that serves a county with a  
1-19 population of less than two million and contains a municipality  
1-20 with a population of over one million. The department and the  
1-21 public health district shall create an electronic registry to track  
1-22 the glycosylated hemoglobin level of each person who has a  
1-23 laboratory test to determine that level performed at a clinical  
1-24 laboratory in the district.

1-25 (d) A clinical laboratory located in the participating  
1-26 public health district shall submit to the district and the  
1-27 department the results of each glycosylated hemoglobin test that  
1-28 the laboratory performs.

1-29 (e) The department and the participating public health  
1-30 district shall:

1-31 (1) compile results submitted under Subsection (d) of  
1-32 this section in order to track:

1-33 (A) the prevalence of diabetes mellitus among  
1-34 people tested in the district;

1-35 (B) the level of control the patients in each  
1-36 demographic group exert over the diabetes mellitus;

1-37 (C) the trends of new diagnoses of diabetes  
1-38 mellitus in the district; and

1-39 (D) the health care costs associated with  
1-40 diabetes mellitus; and

1-41 (2) promote discussion and public information  
1-42 programs regarding diabetes mellitus.

1-43 (f) The participating public health district is solely  
1-44 responsible for the costs of establishing and administering the  
1-45 pilot program.

1-46 SECTION 2. RULES. The executive commissioner of the Health  
1-47 and Human Services Commission shall adopt rules to implement  
1-48 Section 1 of this Act, including rules to govern the format and  
1-49 method of collecting glycosylated hemoglobin data.

1-50 SECTION 3. CONFIDENTIALITY. (a) Reports, records, and  
1-51 information obtained under this Act are confidential, privileged,  
1-52 not subject to disclosure under Chapter 552, Government Code, and  
1-53 not subject to subpoena, and may not otherwise be released or made  
1-54 public except as provided by this Act. The reports, records, and  
1-55 information obtained under this Act are for the confidential use of  
1-56 the Department of State Health Services and the public health  
1-57 district participating in the pilot program and the persons or  
1-58 public or private entities that the department and district  
1-59 determine are necessary to carry out the intent of this Act.

1-60 (b) Medical or epidemiological information may be released:

1-61 (1) for statistical purposes in a manner that prevents  
1-62 identification of individuals, health care facilities, clinical  
1-63 laboratories, or health care practitioners;

1-64 (2) with the consent of each person identified in the

2-1 information; or

2-2 (3) to promote diabetes mellitus research, including  
2-3 release of information to other diabetes registries and appropriate  
2-4 state and federal agencies, under rules adopted by the executive  
2-5 commissioner of the Health and Human Services Commission to ensure  
2-6 confidentiality as required by state and federal laws.

2-7 (c) An employee of this state or a public health district  
2-8 may not testify in a civil, criminal, special, or other proceeding  
2-9 as to the existence or contents of records, reports, or information  
2-10 concerning an individual whose medical records have been used in  
2-11 submitting data required under this Act unless the individual  
2-12 consents in advance.

2-13 (d) Data furnished to a diabetes mellitus registry or a  
2-14 diabetes researcher under Subsection (b) of this section is for the  
2-15 confidential use of the diabetes mellitus registry or the diabetes  
2-16 researcher, as applicable, and is subject to Subsection (a) of this  
2-17 section.

2-18 SECTION 4. REPORT. Not later than December 1, 2009, the  
2-19 Department of State Health Services shall submit a report to the  
2-20 governor, lieutenant governor, speaker of the house of  
2-21 representatives, and appropriate standing committees of the  
2-22 legislature regarding the diabetes mellitus pilot program that  
2-23 includes:

2-24 (1) an evaluation of the effectiveness of the pilot  
2-25 program; and

2-26 (2) a recommendation to continue, expand, or eliminate  
2-27 the pilot program.

2-28 SECTION 5. EXPIRATION. This Act expires September 1, 2010.

2-29 SECTION 6. EFFECTIVE DATE. This Act takes effect  
2-30 immediately if it receives a vote of two-thirds of all the members  
2-31 elected to each house, as provided by Section 39, Article III, Texas  
2-32 Constitution. If this Act does not receive the vote necessary for  
2-33 immediate effect, this Act takes effect September 1, 2007.

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