

## **BILL ANALYSIS**

Senate Research Center  
81R2185 JSC-D

S.B. 1817  
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Health & Human Services  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Diabetes is a chronic disease that has reached epidemic proportions nationwide. In San Antonio, the problem is especially high among the Hispanic population and is growing. Preventing more cases of diabetes would greatly improve the overall health of the community and reduce medical costs that affect everyone.

As proposed, S.B. 1817 amends current law relating to a voluntary statewide diabetes mellitus registry.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to executive director of the Health and Human Services Commission in SECTION 4 (Sections 95.053 and 95.054, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Chapter 95, Health and Safety Code, to read as follows:

#### CHAPTER 95. DIABETES

SECTION 2. Amends Chapter 95, Health and Safety Code, by designating Sections 95.001 through 95.006 as Subchapter A and adding a heading to Subchapter A, to read as follows:

#### SUBCHAPTER A. RISK ASSESSMENT FOR TYPE 2 DIABETES

SECTION 3. Amends Section 95.001, Health and Safety Code, as follows:

Sec. 95.001. DEFINITIONS. Provides that the definitions in this section apply in this subchapter, rather than chapter.

SECTION 4. Amends Chapter 95, Health and Safety Code, by adding Subchapter B, as follows:

#### SUBCHAPTER B. DIABETES MELLITUS REGISTRY

Sec. 95.051. DEFINITIONS. Defines "department," "executive commissioner," and "public health district."

Sec. 95.052. DIABETES MELLITUS REGISTRY. (a) Requires the Department of State Health Services (DSHS), in coordination with participating public health districts, to create and maintain an electronic diabetes mellitus registry to track the glycosylated hemoglobin level of each person who has a laboratory test to determine that level performed at a clinical laboratory in the participating district.

(b) Authorizes a public health district to participate in the diabetes mellitus registry. Provides that public health district that participates in the registry is solely responsible for the costs of establishing and administering the program in that district.

(c) Requires a clinical laboratory located in a participating public health district to submit to the district and DSHS the results of each glycosylated hemoglobin test that the laboratory performs.

(d) Requires DSHS and participating district to compile results submitted under Subsection (c) in order to track the prevalence of diabetes mellitus among people tested in the district, the level of control the patients in each demographic group exert over the diabetes mellitus, the trends of new diagnoses of diabetes mellitus in the district and the health care costs associated with diabetes mellitus; and promote discussion and public information programs regarding diabetes mellitus.

Sec. 95.053. CONFIDENTIALITY. (a) Provides that reports, records, and information obtained under this subchapter are confidential, privileged, not subject to disclosure under Chapter 552 (Public Information), Government Code, and not subject to subpoena, and may not otherwise be released or made public except as provided by this subchapter. Provides that the reports, records, and information obtained under this subchapter are for the confidential use of DSHS and the public health district and the persons or public or private entities that DSHS and participating district determine are necessary to carry out the provisions of this subchapter.

(b) Authorizes medical or epidemiological information to be released for statistical purposes in a manner that prevents identification of individuals, health care facilities, clinical laboratories, or health care practitioners; with the consent of each person identified in the information; or to promote diabetes mellitus research, including release of information to other diabetes registries and appropriate state and federal agencies, under rules adopted by the executive commissioner of the Health and Human Services Commission (executive director) to ensure confidentiality as required by state and federal laws.

(c) Prohibits an employee of this state or a public health district from testifying in a civil, criminal, special, or other proceeding as to the existence or contents of reports, records, or information concerning an individual whose medical records have been used in submitting data required under this subchapter unless the individual consents in advance.

(d) Provides that reports, records, or information furnished to the diabetes mellitus registry under this subchapter or a diabetes researcher under Subsection (b) is for the confidential use of the diabetes mellitus registry or the diabetes researcher, as applicable, and is subject to Subsection (a).

Sec. 95.054. RULES. Requires the executive commissioner to adopt rules to implement this subchapter, including rules to govern the format and method of collecting glycosylated hemoglobin data.

Sec. 95.055. REPORT. Requires DSHS, not later than December 1 of each even-numbered year, to submit to the governor, lieutenant governor, speaker of the house of representatives, and appropriate standing committees of the legislature a report regarding the diabetes mellitus registry that includes an evaluation of the effectiveness of the registry and the number of public health districts voluntarily participating in the registry.

SECTION 5. Effective date: September 1, 2009.