

By: Gutierrez

H.B. No. 1363

A BILL TO BE ENTITLED

AN ACT

relating to a voluntary statewide diabetes mellitus registry.

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

SECTION 1. The heading to Chapter 95, Health and Safety Code, is amended to read as follows:

CHAPTER 95. [~~RISK ASSESSMENT FOR TYPE 2~~] DIABETES

SECTION 2. Chapter 95, Health and Safety Code, is amended by designating Sections 95.001, 95.002, 95.003, 95.004, 95.005, and 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. Section 95.001, Health and Safety Code, is amended to read as follows:

Sec. 95.001. DEFINITIONS. In this subchapter [~~chapter~~]:

(1) "Acanthosis nigricans" means a light brown or black velvety, rough, or thickened area on the surface of the skin that may signal high insulin levels indicative of insulin resistance.

(1-a) "Advisory committee" means the Type 2 Diabetes Risk Assessment Program Advisory Committee established under Section 95.006.

(1-b) "Council" means the Texas Diabetes Council.

(3) "Office" means The University of Texas-Pan American Border Health Office.

1 (4) "Professional examination" means an evaluation
2 performed by an appropriately licensed professional.

3 (5) "School" means an educational institution that
4 admits children who are five years of age or older but younger than
5 21 years of age.

6 SECTION 4. Chapter 95, Health and Safety Code, is amended by
7 adding Subchapter B to read as follows:

8 SUBCHAPTER B. DIABETES MELLITUS REGISTRY

9 Sec. 95.051. DEFINITIONS. In this subchapter:

10 (1) "Department" means the Department of State Health
11 Services.

12 (2) "Executive commissioner" means the executive
13 commissioner of the Health and Human Services Commission.

14 (3) "Public health district" means a district created
15 under Chapter 121.

16 Sec. 95.052. DIABETES MELLITUS REGISTRY. (a) The
17 department, in coordination with participating public health
18 districts, shall create and maintain an electronic diabetes
19 mellitus registry to track the glycosylated hemoglobin level of
20 each person who has a laboratory test to determine that level
21 performed at a clinical laboratory in the participating district.

22 (b) A public health district may participate in the diabetes
23 mellitus registry. A public health district that participates in
24 the registry is solely responsible for the costs of establishing
25 and administering the program in that district.

26 (c) A clinical laboratory located in a participating public
27 health district shall submit to the district and the department the

1 results of each glycosylated hemoglobin test that the laboratory
2 performs.

3 (d) The department and participating district shall:

4 (1) compile results submitted under Subsection (c) in
5 order to track:

6 (A) the prevalence of diabetes mellitus among
7 people tested in the district;

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

10 (C) the trends of new diagnoses of diabetes
11 mellitus in the district; and

12 (D) the health care costs associated with
13 diabetes mellitus; and

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

16 Sec. 95.053. CONFIDENTIALITY. (a) Reports, records, and
17 information obtained under this subchapter are confidential,
18 privileged, not subject to disclosure under Chapter 552, Government
19 Code, and not subject to subpoena, and may not otherwise be released
20 or made public except as provided by this subchapter. The reports,
21 records, and information obtained under this subchapter are for the
22 confidential use of the department and the public health district
23 and the persons or public or private entities that the department
24 and participating district determine are necessary to carry out the
25 provisions of this subchapter.

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

27 (1) for statistical purposes in a manner that prevents

1 identification of individuals, health care facilities, clinical
2 laboratories, or health care practitioners;

3 (2) with the consent of each person identified in the
4 information; or

5 (3) to promote diabetes mellitus research, including
6 release of information to other diabetes registries and appropriate
7 state and federal agencies, under rules adopted by the executive
8 commissioner to ensure confidentiality as required by state and
9 federal laws.

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

16 (d) Reports, records, or information furnished to the
17 diabetes mellitus registry under this subchapter or a diabetes
18 researcher under Subsection (b) is for the confidential use of the
19 diabetes mellitus registry or the diabetes researcher, as
20 applicable, and is subject to Subsection (a).

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

24 Sec. 95.055. REPORT. Not later than December 1 of each
25 even-numbered year, the department shall submit to the governor,
26 lieutenant governor, speaker of the house of representatives, and
27 appropriate standing committees of the legislature a report

1 regarding the diabetes mellitus registry that includes an
2 evaluation of the effectiveness of the registry and the number of
3 public health districts voluntarily participating in the registry.

4 SECTION 5. This Act takes effect September 1, 2009.