

By: Oliveira

H.B. No. 3898

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of an Alzheimer's disease registry.

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

SECTION 1. Subtitle D, Title 2, Health and Safety Code, is amended by adding Chapter 82A to read as follows:

CHAPTER 82A. ALZHEIMER'S DISEASE REGISTRY

Sec. 82A.001. SHORT TITLE. This chapter may be cited as the Texas Alzheimer's Disease Reporting Act.

Sec. 82A.002. DEFINITIONS. In this chapter:

(1) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(2) "Health care facility" means:

(A) a general or special hospital as defined by Chapter 241;

(B) an ambulatory surgical center licensed under Chapter 243;

(C) an institution licensed under Chapter 242; or

(D) any other facility, including an outpatient clinic, that provides diagnosis or treatment services to patients with Alzheimer's disease.

(3) "Physician" has the meaning assigned by Section 151.002, Occupations Code.

Sec. 82A.003. APPLICABILITY OF CHAPTER. This chapter applies to records of:

1 (1) cases of Alzheimer's disease diagnosed on or after
2 January 1, 2010; and

3 (2) all ongoing Alzheimer's disease cases diagnosed
4 before January 1, 2010.

5 Sec. 82A.004. REGISTRY REQUIRED. The department shall
6 maintain an Alzheimer's disease registry for this state.

7 Sec. 82A.005. CONTENT OF REGISTRY. (a) The Alzheimer's
8 disease registry must be a central data bank of accurate, precise,
9 and current information that medical authorities agree serves as an
10 invaluable tool in the early recognition, prevention, cure, and
11 control of Alzheimer's disease.

12 (b) The Alzheimer's disease registry must include:

13 (1) a record of the cases of Alzheimer's disease that
14 occur in this state; and

15 (2) information concerning Alzheimer's disease cases
16 the department considers necessary and appropriate for the
17 recognition, prevention, cure, or control of Alzheimer's disease.

18 Sec. 82A.006. EXECUTIVE COMMISSIONER POWERS. To implement
19 this chapter, the executive commissioner may:

20 (1) adopt rules the executive commissioner considers
21 necessary;

22 (2) execute contracts the executive commissioner
23 considers necessary;

24 (3) receive the data from medical records of cases of
25 Alzheimer's disease that are in the custody or under the control of
26 health care facilities and physicians to record and analyze the
27 data directly related to the disease;

1 (4) compile and publish statistical and other studies
2 derived from the patient data obtained under this chapter to
3 provide, in an accessible form, information that is useful to
4 physicians, other medical personnel, and the general public;

5 (5) comply with requirements as necessary to obtain
6 federal funds in the maximum amounts and most advantageous
7 proportions possible;

8 (6) receive and use gifts made for the purpose of this
9 chapter; and

10 (7) limit Alzheimer's disease reporting activities
11 under this chapter to specified geographic areas of this state to
12 ensure optimal use of funds available for obtaining the data.

13 Sec. 82A.007. REPORTS. (a) The department shall submit an
14 annual report to the legislature on the information obtained under
15 this chapter.

16 (b) The department, in cooperation with other Alzheimer's
17 disease reporting organizations and research institutions, may
18 publish reports the department determines are necessary or
19 desirable to carry out the purpose of this chapter.

20 Sec. 82A.008. DATA FROM MEDICAL RECORDS. (a) To ensure an
21 accurate and continuing source of data concerning Alzheimer's
22 disease, each health care facility and physician shall furnish to
23 the department or its representative, on request, data that the
24 executive commissioner considers necessary and appropriate and
25 that is derived from each medical record pertaining to a case of
26 Alzheimer's disease that is in the custody or under the control of
27 the health care facility or physician. The department may not

1 request data that is more than three years old unless the department
2 is investigating a possible Alzheimer's disease cluster.

3 (b) A health care facility or physician shall furnish the
4 data requested under Subsection (a) in a reasonable format
5 prescribed by the department and within six months of the patient's
6 admission, diagnosis, or treatment for Alzheimer's disease unless a
7 different period is prescribed by the United States Department of
8 Health and Human Services.

9 (c) The data required to be furnished under this section
10 must include patient identification and diagnosis.

11 (d) The department may access medical records that would
12 identify cases of Alzheimer's disease, establish characteristics
13 or treatment of Alzheimer's disease, or determine the medical
14 status of any identified patient from the following sources:

15 (1) a health care facility providing screening,
16 diagnostic, or therapeutic services to a patient related to
17 Alzheimer's disease; or

18 (2) a physician diagnosing or providing treatment to a
19 patient with Alzheimer's disease, except as described by Subsection
20 (f).

21 (e) The executive commissioner shall adopt procedures that
22 ensure adequate notice is given to the health care facility or
23 physician before the department accesses data under Subsection (d).

24 (f) The department may not require a physician to furnish
25 data or provide access to records if:

26 (1) the data or records pertain to cases reported by a
27 health care facility providing screening, diagnostic, or

1 therapeutic services to Alzheimer's disease patients that involve
2 patients referred directly to or previously admitted to the
3 facility; and

4 (2) the facility reported the same data the physician
5 would be required to report.

6 (g) The data required to be furnished under this section may
7 be shared with Alzheimer's disease registries of health care
8 facilities subject to the confidentiality provisions in Section
9 82A.010.

10 Sec. 82A.009. FAILURE TO FURNISH DATA. (a) A health care
11 facility or physician that knowingly or in bad faith fails to
12 furnish data as required by this chapter shall reimburse the
13 department or its authorized representative for the costs of
14 accessing and reporting the data.

15 (b) The costs reimbursed under this section must be
16 reasonable, based on the actual costs incurred by the department or
17 by its authorized representative in the collection of data under
18 Section 82A.008(d), and may include salary and travel expenses.

19 (c) The department may assess a late fee on an account that
20 is 60 days or more overdue. The late fee may not exceed one and
21 one-half percent of the total amount due on the late account for
22 each month or portion of a month the account is not paid in full. A
23 health care facility or physician may request that the department
24 conduct a hearing to determine whether reimbursement to the
25 department under this subsection is appropriate.

26 Sec. 82A.010. CONFIDENTIALITY. (a) Reports, records, and
27 information obtained under this chapter are confidential and are

1 not subject to disclosure under Chapter 552, Government Code, are
2 not subject to subpoena, and may not otherwise be released or made
3 public except as provided by this section or Section 82A.008(g).
4 The reports, records, and information obtained under this chapter
5 are for the confidential use of the department and the persons or
6 public or private entities that the department determines are
7 necessary to carry out the intent of this chapter.

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

9 (1) for statistical purposes in a manner that prevents
10 identification of individuals, health care facilities, or
11 physicians;

12 (2) with the consent of each person identified in the
13 information; or

14 (3) to promote Alzheimer's disease research, including
15 release of information to other Alzheimer's disease registries and
16 appropriate state and federal agencies, under rules adopted by the
17 executive commissioner to ensure confidentiality as required by
18 state and federal laws.

19 (c) A state employee may not testify in a civil, criminal,
20 special, or other proceeding as to the existence or contents of
21 records, reports, or information concerning an individual whose
22 medical records have been used in submitting data required under
23 this chapter unless the individual consents in advance.

24 (d) Data furnished to an Alzheimer's disease registry or an
25 Alzheimer's disease researcher under Subsection (b) or Section
26 82A.008(g) is for the confidential use of the Alzheimer's disease
27 registry or the Alzheimer's disease researcher, as applicable, and

1 is subject to Subsection (a).

2 Sec. 82A.011. IMMUNITY FROM LIABILITY. The following
3 persons subject to this chapter that act in compliance with this
4 chapter are not civilly or criminally liable for furnishing the
5 information required under this chapter:

6 (1) a health care facility;

7 (2) an administrator, officer, or employee of a health
8 care facility;

9 (3) a physician or employee of a physician; and

10 (4) an employee of the department.

11 Sec. 82A.012. EXAMINATION AND SUPERVISION NOT REQUIRED.

12 This chapter does not require an individual to submit to any medical
13 examination or supervision or to examination or supervision by the
14 executive commissioner or the executive commissioner's
15 representatives.

16 SECTION 2. (a) Not later than December 1, 2009, the
17 executive commissioner of the Health and Human Services Commission
18 shall adopt the rules and procedures required to establish the
19 Alzheimer's disease registry under Chapter 82A, Health and Safety
20 Code, as added by this Act.

21 (b) Not later than January 1, 2010, the Department of State
22 Health Services shall establish the Alzheimer's disease registry
23 under Chapter 82A, Health and Safety Code, as added by this Act.

24 (c) Notwithstanding Chapter 82A, Health and Safety Code, as
25 added by this Act, a health care facility or physician is not
26 required to report the data required under Chapter 82A until
27 January 1, 2010.

1 SECTION 3. This Act takes effect September 1, 2009.