

By: Gutierrez

H.B. No. 727

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. APPLICABILITY OF SUBCHAPTER. This subchapter
17 applies only to a public health district that:

18 (1) serves a county that contains a municipality with
19 a population of over one million; and

20 (2) has participated in a diabetes registry pilot
21 program.

22 Sec. 95.053. DIABETES MELLITUS REGISTRY. (a) The
23 department, in coordination with participating public health
24 districts, shall create and maintain an electronic diabetes
25 mellitus registry to track the glycosylated hemoglobin level of
26 each person who has a laboratory test to determine that level
27 performed at a clinical laboratory in the participating district.

1 (b) A public health district may participate in the diabetes
2 mellitus registry. A public health district that participates in
3 the registry is solely responsible for the costs of establishing
4 and administering the program in that district.

5 (c) Except as provided by Subsection (d), a physician
6 practicing in a participating public health district who, on or
7 after November 1, 2011, orders a glycosylated hemoglobin test for a
8 patient shall submit to a clinical laboratory located in the
9 participating public health district the diagnosis codes of a
10 patient along with the patient's sample. The clinical laboratory
11 shall submit to the district and the department for a patient whose
12 diagnosis codes were submitted with the patient's sample the
13 results of the patient's glycosylated hemoglobin test along with
14 the diagnosis codes provided by the physician for that patient.

15 (d) A physician who orders a glycosylated hemoglobin test
16 for a patient must provide the patient with a form developed by the
17 department that allows the patient to opt out of having the
18 patient's information included in the registry. If the patient
19 opts out by signing the form, the physician:

20 (1) shall keep the form in the patient's medical
21 records; and

22 (2) may not submit to the clinical laboratory the
23 patient's diagnosis codes along with the patient's sample.

24 (e) The department and participating public health
25 districts shall:

26 (1) compile results submitted under Subsection (c) in
27 order to track:

1 (A) the prevalence of diabetes mellitus among
2 people tested in the district;

3 (B) the level of diabetic control for the
4 patients with diabetes mellitus in each demographic group;

5 (C) the trends of new diagnoses of diabetes
6 mellitus in the district; and

7 (D) the health care costs associated with
8 diabetes mellitus and glycosylated hemoglobin testing; and

9 (2) promote discussion and public information
10 programs regarding diabetes mellitus.

11 Sec. 95.054. CONFIDENTIALITY. Reports, records, and
12 information obtained under this subchapter are not public health
13 information under Chapter 552, Government Code, and are subject to
14 the confidentiality requirements described by Section 81.046.

15 Sec. 95.055. RULES. The executive commissioner shall adopt
16 rules to implement this subchapter, including rules to govern the
17 format and method of collecting glycosylated hemoglobin data.

18 Sec. 95.056. REPORT. Not later than December 1 of each
19 even-numbered year, the department shall submit to the governor,
20 lieutenant governor, speaker of the house of representatives, and
21 appropriate standing committees of the legislature a report
22 regarding the diabetes mellitus registry that includes an
23 evaluation of the effectiveness of the registry and the number of
24 public health districts voluntarily participating in the registry.

25 SECTION 5. Not later than October 1, 2011, the Department of
26 State Health Services shall make available on its Internet website
27 the form required under Section 95.053(d), Health and Safety Code,

1 as added by this Act.

2 SECTION 6. This Act takes effect September 1, 2011.