

1 AN ACT

2 relating to a voluntary statewide diabetes mellitus registry.

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

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

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

7 SECTION 2. Chapter 95, Health and Safety Code, is amended by  
8 designating Sections 95.001, 95.002, 95.003, 95.004, 95.005, and  
9 95.006 as Subchapter A and adding a heading to Subchapter A to read  
10 as follows:

11 SUBCHAPTER A. RISK ASSESSMENT FOR TYPE 2 DIABETES

12 SECTION 3. Section 95.001, Health and Safety Code, is  
13 amended to read as follows:

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

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

19 (2) [~~(1-a)~~] "Advisory committee" means the Type 2  
20 Diabetes Risk Assessment Program Advisory Committee established  
21 under Section 95.006.

22 (3) [~~(1-b)~~] "Council" means the Texas Diabetes  
23 Council.

24 (4) [~~(3)~~] "Office" means The University of Texas-Pan

1 American Border Health Office.

2 (5) [~~(4)~~] "Professional examination" means an  
3 evaluation performed by an appropriately licensed professional.

4 (6) [~~(5)~~] "School" means an educational institution  
5 that admits children who are five years of age or older but younger  
6 than 21 years of age.

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

9 SUBCHAPTER B. DIABETES MELLITUS REGISTRY

10 Sec. 95.051. DEFINITIONS. In this subchapter:

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

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

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

17 Sec. 95.052. APPLICABILITY OF SUBCHAPTER. This subchapter  
18 applies only to a public health district that serves a county that  
19 has a population of more than 1.5 million and in which more than 75  
20 percent of the population lives in a single municipality.

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

27 (b) A public health district may participate in the diabetes

1 mellitus registry. A public health district that participates in  
2 the registry is solely responsible for the costs of establishing  
3 and administering the program in that district.

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

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

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

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

23 (e) The participating public health districts shall:

24 (1) compile results submitted under Subsection (c) in  
25 order to track:

26 (A) the prevalence of diabetes mellitus among  
27 people tested in the district;

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

3           (C) the trends of new diagnoses of diabetes  
4 mellitus in the district; and

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

7           (2) provide the department with de-identified  
8 aggregate data.

9           (f) The department and participating public health  
10 districts shall promote discussion and public information programs  
11 regarding diabetes mellitus.

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

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

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

26           SECTION 5. Not later than October 1, 2011, the Department of  
27 State Health Services shall make available on its Internet website

1 the form required under Subsection (d), Section 95.053, Health and  
2 Safety Code, as added by this Act.

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

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President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 510 passed the Senate on  
March 17, 2011, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 510 passed the House on  
May 19, 2011, by the following vote: Yeas 143, Nays 5, one  
present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor