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S.B. No. 510

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.

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

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

(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.