

JAN 19 2012

A BILL FOR AN ACT

RELATING TO DIABETES.

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

1 **PART I. DIABETES MELLITUS REGISTRY**

2 SECTION 1. Chapter 321, Hawaii Revised Statutes, is
3 amended by adding a new part to be appropriately designated and
4 to read as follows:

5 **"PART . DIABETES MELLITUS REGISTRY PROGRAM**

6 **§321- Definitions.** As used in this part, unless the
7 context requires otherwise:

8 "Department" means the department of health.

9 "Diabetes mellitus" means a group of diseases characterized
10 by high blood glucose levels that result from defects in the
11 body's ability to produce or use insulin.

12 "Registry" means a collection of data organized so that the
13 information can be processed and made available for research.

14 **§321- Diabetes mellitus registry established.** The
15 largest medical center in a county with a population over five
16 hundred thousand shall create and maintain an electronic
17 diabetes mellitus registry to:



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- 1 (1) Collect information on diabetes mellitus and diabetes
2 mellitus complications;
- 3 (2) Report on the incidence, trends of new diagnoses, and
4 causes of diabetes mellitus;
- 5 (3) Report information for the development of prevention
6 strategies to reduce the incidence of diabetes
7 mellitus; and
- 8 (4) Report on the health care costs associated with
9 diabetes mellitus.

10 The medical center shall be solely responsible for the costs of
11 administering and establishing the diabetes mellitus registry
12 program

13 **§321- Confidentiality of data.** (a) The identity of, or
14 any information which alone or in combination with other
15 reasonably available information that may be used to identify,
16 any person whose condition or treatment has been studied under
17 this part shall be confidential.

18 (b) Statistical data and information that does not
19 specifically identify any individual person may be released.

20 **§321- Rules.** The department may adopt rules pursuant to
21 chapter 91 that are necessary to effectuate the purposes of this
22 part.



1 **§321- Requests for information.** The department shall
2 provide information about appropriate health and intervention
3 services to persons who request the information.

4 **§321- Report.** No later than December 31 of each even-
5 numbered year, the medical center shall submit to the governor,
6 lieutenant governor, president of the senate, speaker of the
7 house of representatives, and appropriate standing committees of
8 the legislature a report regarding the diabetes mellitus
9 registry program."

10 SECTION 2. Chapter 324, Hawaii Revised Statutes, is
11 amended by adding a new part to be appropriately designated and
12 to read as follows:

13 **"PART . DIABETES MELLITUS REGISTRY**

14 **§324-A Definitions.** As used in this part, unless the
15 context requires otherwise:

16 "Department" means the department of health.

17 "Diabetes mellitus" means a group of diseases characterized
18 by high blood glucose levels that result from defects in the
19 body's ability to produce or use insulin.

20 "Institutional review board" means an institutional review
21 board established in accordance with 7 Code of Federal
22 Regulations 1c.107, 10 Code of Federal Regulations 745.107, 14



1 Code of Federal Regulations 1230.107, 15 Code of Federal
2 Regulations 27.107, 16 Code of Federal Regulations 1028.107, 21
3 Code of Federal Regulations 56.107, 22 Code of Federal
4 Regulations 225.107, 28 Code of Federal Regulations 46.107, 32
5 Code of Federal Regulations 219.107, 34 Code of Federal
6 Regulations 97.107, 38 Code of Federal Regulations 16.107, 40
7 Code of Federal Regulations 26.107, 45 Code of Federal
8 Regulations 46.107, 45 Code of Federal Regulations 690.107, or
9 49 Code of Federal Regulations 11.107.

10 "Registry" means a collection of data organized so that the
11 information can be processed and made available for research.

12 "Research" means a systematic investigation designed to
13 develop or contribute to general knowledge.

14 "Researcher" means a person who is conducting research
15 which has been approved or declared exempt by an institutional
16 review board.

17 **§324-B Information collection.** (a) Health care
18 facilities and health care providers shall make available to the
19 diabetes mellitus registry program information contained in
20 health care records that pertain to diabetes mellitus.

21 (b) Any person or public or private health care facility
22 may provide information or other data or relevant material



1 relating to individuals with diabetes mellitus to the diabetes
2 mellitus registry program for inclusion in the diabetes mellitus
3 registry.

4 (c) No liability of any kind or character for damages or
5 other relief shall arise or be enforced against any person or
6 organization by reason of having provided information or
7 material to the diabetes mellitus registry program.

8 (d) Except as provided in section 324-C or 324-D, no
9 liability of any kind or character for damages or other relief
10 shall arise or be enforced against the medical center that is
11 required to create and maintain the electronic diabetes mellitus
12 registry, pursuant to part of chapter 321, by reason of
13 any act or omission by the medical center in connection with its
14 administration of the diabetes mellitus registry program.

15 **§324-C Use of collected information.** (a) The information
16 collected under this part shall be used by the medical center or
17 researchers only for the purpose of advancing medical and public
18 health research, medical education, or education of the public
19 in the interest of reducing morbidity or mortality, and only as
20 approved by an institutional review board.

21 (b) The identity of, or any information which alone or in
22 combination with other reasonably available information that may



1 be used to identify, any person whose condition or treatment has
2 been studied under this part shall be confidential.

3 (c) If the diabetes mellitus registry program or
4 researchers intend to collect additional information directly
5 from a patient or patient's relative for research studies
6 approved by an institutional review board, the researcher shall
7 first obtain approval for the request from the patient's
8 attending physician. The use of the additional information
9 obtained by researchers shall be governed by subsection (a).

10 **§324-D Penalty.** Any person who violates this part shall
11 be guilty of a misdemeanor and fined not more than \$500.

12 **§324-E Rules.** The department may adopt rules pursuant to
13 chapter 91 that are necessary to effectuate the purposes of this
14 part."

15 **PART II. TASK FORCE**

16 **SECTION 3.** (a) There shall be established within the
17 department of health a task force that shall:

- 18 (1) Identify existing barriers to access to health care
19 for people with diabetes in Hawaii;
- 20 (2) Identify appropriate measures to remove existing
21 barriers to access to health care for people with
22 diabetes in Hawaii; and



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- 1 (3) Recommend to the legislature measures to address any
2 issue that the task force determines is feasible to
3 address pursuant to this Act.
- 4 (b) The task force shall consist of the following members:
- 5 (1) The director of health, or the director's designee, to
6 serve as chair;
- 7 (2) The chairperson of the board of directors of the
8 Hawaii Medical Services Association, or the
9 chairperson's designee;
- 10 (3) The dean of the University of Hawaii at Manoa John A.
11 Burns School of Medicine, or the dean's designee;
- 12 (4) One representative of the community hospitals located
13 in the county of Maui;
- 14 (5) One representative of the community hospitals located
15 in the county of Hawaii;
- 16 (6) One representative of the community hospitals located
17 in the county of Kauai; and
- 18 (7) One representative of the community hospitals located
19 in the City and County of Honolulu.

20 The members of the task force shall serve without
21 compensation, and all necessary expenses, including travel



1 expenses, shall be paid by the agency, organization, or
2 department to which the member belongs.

3 (c) The task force shall meet quarterly at a place and
4 time to be determined by the chair of the task force. Meeting
5 notices shall be posted by the task force as required under
6 chapter 92, Hawaii Revised Statutes, and public testimony at
7 meetings shall be accepted by the task force.

8 (d) The department of health shall provide administrative
9 support, including the recording of minutes, to the task force.

10 (e) The task force shall cease to exist on June 30, 2015.

11 (f) No later than twenty days prior to the convening of
12 each regular session of the legislature, the task force shall
13 report its findings and recommendations, including proposed
14 legislation, if any, to the legislature.

15 **PART III. MISCELLANEOUS PROVISIONS**

16 SECTION 4. In codifying the new sections added by section
17 2 of this Act, the revisor of statutes shall substitute
18 appropriate section numbers for the letters used in designating
19 the new sections in this Act.

20 SECTION 5. This Act shall take effect upon its approval;
21 provided that sections 1 and 2 of this Act shall be repealed on
22 October 31, 2017; provided further that the legislature shall



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1 enact legislation based on the results of the biennial reports
2 submitted to the legislature pursuant to section 1 of this Act.
3

INTRODUCED BY: *JLM*
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Report Title:

Diabetes Mellitus Registry; Diabetes Task Force

Description:

Requires the largest medical center in a county with a population over five hundred thousand to create and maintain an electronic diabetes mellitus registry and to submit biennial reports to the legislature regarding the registry. Creates a task force to identify and recommend measures to remove barriers to health care access for people with diabetes. Repeals registry on October 31, 2017.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

