

AN ORDINANCE 2008-02-14-0124

**APPROVING A MEMORANDUM OF AGREEMENT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES FOR THE SAN ANTONIO METROPOLITAN HEALTH DISTRICT TO CONDUCT A PILOT DIABETES REGISTRY PROJECT IN ORDER TO ASSESS THE LEVEL OF CONTROL AND PREVALENCE OF DIABETES AMONG THOSE TESTED IN BEXAR COUNTY.**

\* \* \* \* \*

**WHEREAS,** as part of the City of San Antonio's 2007 Texas Legislative strategy, the San Antonio Metropolitan Health District (SAMHD) sought special authority to begin a diabetes registry in San Antonio to more accurately assess the impact on people suffering from this prevalent disease; and

**WHEREAS,** House Bill 2132 (HB 2132) passed by the 80<sup>th</sup> Texas Legislature gives the State Health Commissioner authority to designate a public health district to collect hemoglobin A1C test results from clinical laboratories as a way to measure the prevalence and control levels of the disease among those tested; and

**WHEREAS,** through this Memorandum of Agreement, the State Health Commissioner officially designates the SAMHD as the health district to conduct the pilot project through August 31, 2010; and

**WHEREAS,** a project analysis report must be submitted to the Texas Department of State Health Services no later than September 30, 2009 in order to demonstrate the validity and effectiveness of the pilot project; and

**WHEREAS,** all funding for this project will come from the SAMHD general fund FY 2008 resources; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Manager or her designee, or the Director of the San Antonio Metropolitan Health District or his designee, is authorized to execute a Memorandum of Agreement with the Texas Department of State Health Services for the San Antonio Metropolitan Health District to conduct a pilot diabetes registry project in order to assess the level of control and prevalence of diabetes among those tested in Bexar County. A copy of the Memorandum of Agreement is attached hereto and incorporated herein for all purposes as Attachment I.

**SECTION 2.** This ordinance shall be effective on and after February 24, 2008.

PASSED AND APPROVED this 14<sup>th</sup> day of February, 2008.



M A Y O R  
PHIL HARDBERGER

ATTEST: *Leticia M. Viced*  
City Clerk

APPROVED AS TO FORM: *Hollis Young*  
for City Attorney

<b>Agenda Item:</b>	<b>26</b>						
<b>Date:</b>	02/14/2008						
<b>Time:</b>	02:05:33 PM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance approving a Memorandum of Agreement with the Texas Department of State Health Services for the San Antonio Metropolitan Health District to conduct a pilot diabetes registry project in order to assess the level of control and prevalence of diabetes among those tested in Bexar County. [Frances A. Gonzalez, Assistant City Manager; Dr. Fernando A. Guerra, Director, Health]						
<b>Result:</b>	Passed						
<b>Voter</b>	<b>Group</b>	<b>Not Present</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain</b>	<b>Motion</b>	<b>Second</b>
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x				x
Philip A. Cortez	District 4		x				
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x				
Justin Rodriguez	District 7		x			x	
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				

**MEMORANDUM OF AGREEMENT  
BETWEEN  
THE DEPARTMENT OF STATE HEALTH SERVICES  
AND  
THE CITY OF SAN ANTONIO ON BEHALF OF THE SAN ANTONIO  
METROPOLITAN HEALTH DISTRICT**

This MEMORANDUM OF AGREEMENT (MOA) entered into by and between the Department of State Health Services (DSHS) and the City of San Antonio (City) on behalf of the San Antonio Metropolitan Health District (District), is effective upon both parties' signature and will remain in effect until August 31, 2010.

**I. BACKGROUND AND PURPOSE**

Texas House Bill 2132, passed by the Texas 80<sup>th</sup> Legislature (2007 Regular Session), provides an Act relating to the creation of a diabetes mellitus registry pilot program. The Act requires DSHS to coordinate with a public health district that serves a county with less than two million and contains a municipality with a population of over one million to develop and implement a pilot program to create and maintain a diabetes mellitus registry. Therefore, it is in the best interest of both parties' programs, and the fulfillment of this statutory directive and mandate under HB 2132 of the Texas 80<sup>th</sup> legislature to enter into this Agreement.

**II. RESPONSIBILITIES OF THE CITY**

The City's San Antonio Metropolitan Health District shall:

- (a) Create an electronic registry to track the glycosylated hemoglobin levels of persons reported by selected clinical laboratories serving the District;
- (b) Collect glycosylated hemoglobin Alc test results from clinical laboratories in the District and compile results submitted from the laboratories in order to track:
  - (1) the level of diabetic control for patients in each demographics group exert over the diabetes mellitus;
  - (2) the trends of new diagnoses of diabetes mellitus; and
  - (3) the estimated health care costs associated with diabetes mellitus.
- (c) Promote discussion and public information programs regarding diabetes mellitus;
- (d) Provide DSHS access to all data collected;
- (e) Submit a report to DSHS no later than September 30, 2009, regarding the diabetes mellitus pilot project that includes:

- (1) the results of the pilot program; and
  - (2) an evaluation of the effectiveness of the pilot program; and
- (f) Assume sole responsibility for the costs of establishing and administering the pilot program.

### **III. RESPONSIBILITIES OF DSHS**

DSHS will:

- (a) Provide technical assistance in developing the registry;
- (b) Assist the Health and Human Services Commission (HHSC) to develop program rules to implement Section 1 of the Act; and
- (c) Submit the report required by the Act to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and appropriate standing committees.

### **IV. CONFIDENTIALITY**

- (a) Reports, records, and information obtained under this MOA are confidential, privileged, not subject to disclosure under Chapter 552, Government Code, and not subject to subpoena, and may not otherwise be released or made public except as provided by this MOA and the Act. The reports, records, and information obtained under this MOA are for the confidential use of DSHS and the District participating in the pilot program, and the persons or public or private entities that the DSHS and District determine are necessary to carry out the intent of this MOA.
- (b) Medical or epidemiological information may be released:
  - (1) for statistical purposes in a manner that prevents identification of individuals, health care facilities, clinical laboratories, or health care practitioners; or
  - (2) with the consent of each person identified in the information; or
  - (3) to promote diabetes mellitus research, including release of information to other diabetes registries and appropriate state and federal agencies, under rules adopted by the executive commissioner of HHSC to ensure confidentiality as required by state and federal laws.
- (c) An employee of this state or a public health district may not testify in a civil, criminal, special, or other proceeding as to the existence or contents of records, reports, or information concerning an individual whose medical records have been used in submitting data required under this MOA unless the individual consents in advance.
- (d) Data furnished to a diabetes mellitus registry or a diabetes researcher under Subsection (b) of this section is for the confidential use of the diabetes mellitus registry or the diabetes researcher, as applicable, and is subject to Subsection (a) of this section.

**V. GENERAL PROVISIONS**

- (a) All notices and communications under this MOA shall be delivered to the following referenced persons or to such others as the parties may designate in writing from time to time:

**DSHS:**

Cassandra DeLeon, Executive Director  
Texas Diabetes Program/Council  
Texas Department of State Health Services  
1100 W. 49<sup>th</sup> Street  
P.O. Box 149347  
Austin, Texas 78714-9347  
Telephone: (512) 458-7200  
Facsimile: (512) 458-7408  
E-mail:  
Cassandra.deleon@dshs.state.tx.us

**DISTRICT:**

Fernando A. Guerra, MD, MPH  
Director of Health  
San Antonio Metropolitan Health  
District  
332 West Commerce, Suite 303  
San Antonio, TX 78205  
Telephone: (210) 207-8731  
Facsimile: (210) 207-8999  
E-mail:  
[fernando.guerra@sanantonio.gov](mailto:fernando.guerra@sanantonio.gov)

- (b) No oral representations of any officer, agent, or employee of the City or DSHS shall modify any obligations of either party under this MOA.
- (c) No amendment to this MOA shall be valid unless reduced to writing and signed by an authorized representative of each party.
- (d) This MOA may not be assigned by either party without prior written approval of the other party.
- (e) This agreement may be terminated by either party, without cause, with thirty (30) days advance written notice.
- (f) The validity, interpretation, performance, and enforcement of this MOA shall be governed by the laws of the State of Texas.

DSHS agrees and understands that City has projected costs for this MOA and that City expects to pay all obligations of this MOA from projected revenue sources, but that all obligations of City are subject to annual appropriation by City Council in future years, after September 30, 2007. Accordingly, if City shall fail to appropriate sums to pay any of City's obligations under the terms of this MOA and, due to the unavailability and/or failure to appropriate funds City shall not have the funds to pay such obligations, following City's failure to pay such obligations due to lack of funding shall terminate this MOA and neither DSHS nor City shall have any further obligations hereunder. Lack of funding is not and shall not be considered a breach of this MOA.

By signing below, the Parties acknowledge that they have read the MOA and agree to its terms, and that the persons whose signatures appear below have the requisite authority to execute this MOA on behalf of the named party.

DEPARTMENT OF STATE HEALTH  
SERVICES

CITY OF SAN ANTONIO  
METROPOLITAN HEALTH DISTRICT

By: \_\_\_\_\_  
Signature of Authorized Official

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Bob Burnette, C.P.M., CTPM  
Director, Client Services Contracting Unit

Fernando Guerra, MD, MPH  
Director of Health

1100 WEST 49TH STREET  
AUSTIN, TEXAS 78756

San Antonio Metropolitan Health District  
332 West Commerce Street  
San Antonio, Texas 78205-2489

(512) 458-7470

(210) 207-8730

Bob.burnette@dshs.state.tx.us

[fernando.guerra@sanantonio.gov](mailto:fernando.guerra@sanantonio.gov)