

AN ORDINANCE 2010-08-19-0710

AUTHORIZING AN AMENDMENT TO AN AGREEMENT WITH THE TEXAS DEPARTMENT OF STATE HEALTH SERVICES MODIFYING REPORTING REQUIREMENTS AND EXTENDING THE TERM FROM AUGUST 31, 2010 TO SEPTEMBER 1, 2011.

* * * * *

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 (HB) 2132 passed by the 80th Legislature (2007 Regular Session) gave 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 a Memorandum of Agreement (MOA), the State Health Commissioner officially designated the SAMHD as the health district to conduct the pilot project through August 31, 2010; and

WHEREAS, in subsequent legislative action, Texas HB 1363 was passed by the Texas 81st Legislature (2009 Regular Session), amending HB 2132; and

WHEREAS, this amendment extends the term of the pilot program through September 1, 2011; and

WHEREAS, specifically, this Amendment to the MOA extends the term of this agreement from August 31, 2010 through August 31, 2011 and modifies the submission of written reports and access to data collection; **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 (SAMHD) or his designee, is authorized to execute an amendment to an Agreement with the Texas Department of State Health Services modifying reporting requirements and extending the term from August 31, 2010 to September 1, 2011. A copy of the amendment in substantially final form is attached hereto and incorporated herein for all purposes as **Attachment I**.

EG/mgc
08/19/10
Item# 18

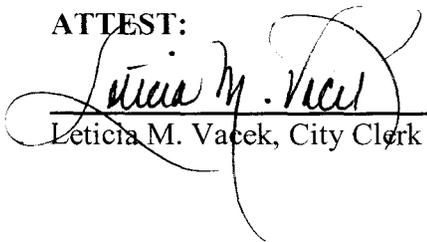
SECTION 2. This ordinance shall become effective immediately upon passage by eight (8) or more affirmative votes of the entire City Council; otherwise, said effective date shall be ten (10) days from the date of passage hereof.

PASSED AND APPROVED this 19th day of August, 2010.



M A Y O R
Julián Castro

ATTEST:



Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

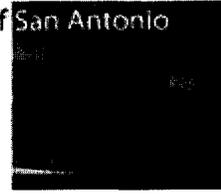


for Michael Bernard, City Attorney



Request for
**COUNCIL
 ACTION**

City of San Antonio



Agenda Voting Results - 18

Name:	6, 7, 9, 10, 11, 13, 14, 16, 18, 19, 20, 21, 22, 23, 24A, 24B, 24C, 24D, 24E, 24F, 24G, 24H, 24I, 25, 26, 27, 28, 30A, 30B, 32						
Date:	08/19/2010						
Time:	01:11:34 PM						
Vote Type:	Motion to Approve						
Description:	An Ordinance authorizing an amendment to an agreement with the Texas Department of State Health Services extending the term from August 31, 2010 to September 1, 2011 and modifying reporting requirements of a state-mandated pilot diabetes registry project assessing the level of control and prevalence of diabetes among those tested in Bexar County. [Sharon De La Garza, Assistant City Manager; Dr. Fernando A. Guerra, Director, Health]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x			x	
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x				
Philip A. Cortez	District 4		x				x
David Medina Jr.	District 5		x				
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	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), has been amended and is effective upon both parties' signature and will remain in effect until September 1, 2011.

I. BACKGROUND AND PURPOSE

Texas House Bill (HB) 2132, passed by the Texas 80th Legislature (2007 Regular Session), and amended by Texas HB 1363, passed by the Texas 81st Legislature (2009 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 HBs 2132 and 1363 to enter into this amended 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 and diagnosis codes 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 prevalence of diabetes mellitus among people tested in the district;
 - (2) The level of diabetic control for patients with diabetes mellitus in each demographic group;
 - (3) The trends of new diagnoses of diabetes mellitus in the district; and
 - (4) The estimated health care costs associated with diabetes mellitus and glycosylated hemoglobin testing.
- (c) Promote discussion and public information programs regarding diabetes mellitus;

- (d) Provide DSHS access to all data collected no later than June 30, 2010;
- (e) Submit a written report to DSHS no later than August 31, 2010, regarding the diabetes mellitus registry pilot project that includes:
 - (1) The results of the pilot program; and
 - (2) An evaluation of the effectiveness of the pilot program;
and
 - (3) A recommendation to continue, expand, or eliminate the pilot program.
- (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) Develop and make available on its Internet website a form that allows the patient to opt out of having the patient's information included in the registry.
- (c) Assist the Health and Human Services Commission (HHSC) to develop program rules to implement Section 1 of the Act; and
- (d) 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:
Diabetes Branch Manager
Texas Diabetes Program/Council
Texas Department of State Health Services
P.O. Box 149347
Austin, Texas 78714-9347
Telephone: (512) 458-7200
Facsimile: (512) 458-7408
E-mail: tdc.web@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

- (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. Notwithstanding any termination of this MOA, City agrees to provide DSHS with a written report regarding the diabetes mellitus registry pilot project and access to all data collected.

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

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fernando.guerra@sanantonio.gov