

1 HB415  
2 157182-2  
3 By Representative Beech  
4 RFD: Health  
5 First Read: 06-FEB-14

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8 SYNOPSIS: This bill would require the Alabama  
9 Department of Public Health to submit an annual  
10 action plan to certain legislative committees  
11 addressing the financial impact and reach of  
12 diabetes in this state, including a detailed budget  
13 blueprint identifying needs, costs, and resources  
14 to implement the plan.

15 This bill would require the department to  
16 develop a voluntary protocol for practitioners  
17 consisting of clinical quality and control measures  
18 for the treatment of patients with diabetes.

19 This bill would require the Alabama  
20 Department of Public Health to submit an annual  
21 action plan to certain legislative committees  
22 addressing the financial impact and reach of  
23 obesity in this state, including a detailed budget  
24 blueprint identifying needs, costs, and resources  
25 to implement the plan.

26 This bill would also provide civil and  
27 criminal immunity to a physician who participates

1 in the development or implementation of a voluntary  
2 protocol.

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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT

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8 Relating to health; to require the Alabama  
9 Department of Public Health to submit an annual action plan to  
10 certain legislative committees addressing the financial impact  
11 and reach of diabetes; to require a detailed budget for  
12 implementation of the plan; to require the department to  
13 develop a voluntary protocol for practitioners consisting of  
14 clinical quality and control measures for the treatment of  
15 patients with diabetes; to require the Alabama Department of  
16 Public Health to submit an annual action plan to certain  
17 legislative committees addressing the financial impact and  
18 reach of obesity; to require a detailed budget for  
19 implementation of the plan; to specify that a protocol does  
20 not establish a standard of care for a physician; and to  
21 provide civil and criminal immunity to physicians who  
22 participate in the development or implementation of a  
23 voluntary protocol.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. (a) The Alabama Department of Public  
26 Health shall submit an action plan to the Senate Committee on

1 Health and the House Committee on Health no later than  
2 February first of each year on the following:

3 (1) The financial impact and reach diabetes of all  
4 types is having on this state and its residents. Items in this  
5 assessment shall include all of the following:

6 a. The number of persons with diabetes covered by  
7 Medicaid through the Alabama Department of Public Health and  
8 its contracted partners.

9 b. The number of persons with diabetes impacted by  
10 the prevention and diabetes control programs implemented by  
11 the department and its contracted partners.

12 c. The financial cost diabetes and its complications  
13 place on the department and its contracted partners.

14 d. The financial cost diabetes and its complications  
15 place on the department and its contracted partners in  
16 comparison to other chronic diseases and conditions.

17 (2) An assessment of the benefits of implemented  
18 programs and activities aimed at controlling diabetes and  
19 preventing the disease.

20 (3) A description of the level of coordination  
21 existing between the Alabama Department of Public Health, its  
22 contracted partners, and other stakeholders on activities,  
23 programmatic activities, and the level of communication on  
24 managing, treating, or preventing all forms of diabetes and  
25 its complications.

1           (4) The development of a detailed action plan for  
2 battling diabetes with a range of actionable items. The plan  
3 shall identify both of the following:

4           a. Proposed action steps to reduce the impact of  
5 diabetes, prediabetes, and related diabetes complications.

6           b. Expected outcomes of the action steps proposed  
7 while establishing benchmarks for controlling and preventing  
8 diabetes.

9           (5) The development of a detailed budget blueprint  
10 identifying needs, costs, and resources to implement the plan  
11 identified in subdivision (4).

12           (b) The Alabama Department of Public Health shall  
13 develop a voluntary protocol for practitioners consisting of  
14 clinical quality and control measures for the treatment of  
15 patients with diabetes. The clinical quality and performance  
16 measures shall include A1C control, low density lipoprotein  
17 control, high blood pressure control, hypoglycemia control,  
18 and tobacco non-use.

19           Section 2. (a) The Alabama Department of Public  
20 Health shall submit an action plan to the Senate Committee on  
21 Health and the House Committee on Health no later than  
22 February first of each year on the following:

23           (1) The financial impact and reach obesity is having  
24 on this state and its residents. Items included in this  
25 assessment shall include all of the following:

1           a. The number of persons with obesity covered by  
2 Medicaid through the Alabama Department of Public Health and  
3 its contracted partners.

4           b. The number of persons with obesity impacted by  
5 the prevention and control programs implemented by the  
6 department and its contracted partners.

7           c. The financial cost obesity and its complications  
8 place on the department and its contracted partners.

9           d. The financial cost obesity and its complications  
10 place on the department and its contracted partners in  
11 comparison to other chronic diseases and conditions.

12           (2) An assessment of the benefits of implemented  
13 programs and activities aimed at controlling obesity and  
14 preventing the disease.

15           (3) A description of the level of coordination  
16 existing between the Alabama Department of Public Health, its  
17 contracted partners, and other stakeholders on activities,  
18 programmatic activities, and the level of communication on  
19 managing, treating, or preventing obesity and its  
20 complications.

21           (4) The development of a detailed action plan for  
22 battling obesity with a range of actionable items. The plan  
23 shall identify both of the following:

24           a. Proposed action steps to reduce the impact of  
25 obesity and related obesity complications.

1           b. Expected outcomes of the action steps proposed  
2 while establishing benchmarks for controlling and preventing  
3 obesity.

4           (5) The development of a detailed budget blueprint  
5 identifying needs, costs, and resources to implement the plan  
6 identified in subdivision (4).

7           Section 3. (a) No information or protocols produced  
8 or developed as a result of or related to this act shall be  
9 construed to establish a standard of care for physicians or  
10 otherwise modify, amend, or supersede any provision of the  
11 Alabama Medical Liability Act of 1987 or the Alabama Medical  
12 Liability Act of 1996, commencing with Section 6-5-540, et  
13 seq., Code of Alabama 1975, or any amendment thereto or any  
14 judicial interpretation thereof.

15           (b) Notwithstanding any other provision of law, a  
16 physician who is consulted regarding or participates in the  
17 development or implementation of a protocol under this act or  
18 takes other action or assists in any action that is related to  
19 the development or implementation of a protocol as a result of  
20 this act is immune from all civil and criminal liability for  
21 such acts.

22           Section 4. This act shall become effective  
23 immediately following its passage and approval by the  
24 Governor, or its otherwise becoming law.