

# Center for Diabetes Prevention

This Act establishes a Center for Diabetes Prevention and Health Improvement to provide grants to high schools through to be used exclusively for programs promoting the understanding and prevention of diabetes. Grant requests must specify how the school will spend the funds and how such spending promotes the understanding and prevention of diabetes. Grant recipients are required to provide quarterly reports to the center.

Under the Act, the Center can also provide grants to providers of primary and specialty health care services related to the treatment of pre-diabetes and diabetes. Any community and faith-based clinic, federally qualified health center (“FQHC”), county health department, hospital, or other health-related service provider would be eligible to apply.

The Act authorizes the Center to create or establish a nonprofit organization which would, like the center, be eligible to request and receive gifts, contributions, bequests, donations and grants from any legal and appropriate source to effectuate the center's purpose. If created, the nonprofit organization would be required to report its receipts and expenditures to the commissioner and the comptroller on an annual basis. The Center and any nonprofit organization created by the Center would be subject to examination and audit by the comptroller in the same manner as other state agencies.

Submitted as:

Tennessee

Section 1, Chapter 867, Public Acts of 2006

Status: Enacted into law in 2006.

## Suggested State Legislation

(Title, enacting clause, etc.)

1           Section 1. [*Short Title.*] This Act shall be cited as “The Diabetes Prevention and Health  
2 Improvement Act.”

3  
4           Section 2. [*Definitions.*] As used in this Act:

5           (1) “Board” means the governing body of the [Center for Diabetes Prevention and Health  
6 Improvement].

7           (2) “Center” means the [Center for Diabetes Prevention and Health Improvement].

8           (3) “Nonprofit organization” means an entity that is exempt from federal income taxation  
9 under § 501(a) of the Internal Revenue Code as an organization described in § 501(c)(3) of the  
10 Internal Revenue Code.

11  
12           Section 3. [*Center for Diabetes Prevention and Health Improvement.*]

13           (a) The [Center for Diabetes Prevention and Health Improvement] is hereby established as  
14 an agency of the state. The [Center] shall be attached to the [Department of Finance and  
15 Administration] for administrative purposes.

16           (b) The purpose of the [Center] is to develop, implement and promote a statewide effort to  
17 combat the proliferation of Type 2 diabetes.

18           (c) The duties of the [Center] shall be the following:

19           (1) The [Center] shall provide grants to high schools through the district office of  
20 local education agencies across the state to be used exclusively for programs promoting the  
21 understanding and prevention of diabetes. Grant requests must contain specific information about  
22 how the school will spend the funds and how such spending promotes the understanding and

23 prevention of diabetes. Grant recipients shall be required to provide to the [Center] [quarterly]  
24 reports of the results of their program.

25 (2) The [Center] shall provide grants to providers of primary and specialty health  
26 care services related to the treatment of pre-diabetes and diabetes. Any community and faith-  
27 based clinic, federally qualified health center (“FQHC”), county health department, hospital, or  
28 other health-related service provider that is also a 501(c)(3) corporation, a 501(c)(6) entity whose  
29 membership consists entirely of 501(c)(3) corporations, or a public entity is eligible to apply in  
30 accordance with the provisions of this subdivision. In order to be eligible for a grant, an entity  
31 shall also have been in existence for [three (3) years], demonstrate evidence of financial stability,  
32 utilize evidence-based practices and show measurable results in its programs. The [Center] shall  
33 establish the grant criteria and make award decisions. In distributing such grants, the [Center]  
34 shall strive to create a coordinated, statewide set of resources to help the people of this state with  
35 their efforts to prevent or treat diabetes.

36

37 Section 4. [*Center Board of Directors.*]

38 (a) The [Center] shall operate under the direction of a [seven (7)]-member [board of  
39 directors]. [Five (5) members shall be appointed by the governor. One (1) member shall be  
40 appointed by the Speaker of the Senate and one (1) member shall be appointed by the Speaker of  
41 the House of Representatives of the General Assembly].

42 (b) The [governor], in making appointments to the [board], shall strive to ensure that the  
43 membership of the [board] is representative of the state’s geographic and demographic  
44 composition with appropriate attention to the representation of women and minorities. The  
45 appointments made by the [governor] shall include [one (1) member who is a physician licensed  
46 in this state, one (1) member who is a registered nurse licensed in this state, one (1) member who  
47 is a dietitian licensed in this state, and one (1) member who represents a human resources  
48 management or business perspective].

49 (c) The [Commissioner of Health, the Commissioner of Education and the Commissioner  
50 of Agriculture, or their designees, and the respective chairs of the House and Senate Education  
51 Committees and the chairs of the House Health and Human Resources Committee and the Senate  
52 General Welfare, Health and Human Resources Committee] shall serve as ex-officio, non-voting  
53 members of the [board].

54 (d) The [governor] shall appoint a chairperson from the members appointed pursuant to  
55 subsection (a), who shall serve a [two (2)]-year, renewable term as chairperson.

56 (e) Trustees appointed by the [governor] shall serve [four (4)]-year, renewable terms;  
57 provided that of the initial trustees appointed:

58 (1) [Two (2)] trustees appointed by the [speakers of each house of the general  
59 assembly] shall be appointed for an initial term of [four (4) years];

60 (2) [Two (2)] trustees shall be appointed for an initial term of [three (3) years];

61 (3) [Two (2)] trustees shall be appointed for an initial term of [two (2) years]; and

62 (4) [One (1)] trustee shall be appointed for an initial term of [one (1) year].

63 (f) Should a [board] position become vacant through resignation, removal, or other cause,  
64 the appointing authority for the position shall appoint a new member to serve the unexpired term.  
65 Trustees shall continue to serve on the [board] after the expiration of their term until a new trustee  
66 is appointed.

67 (g) A quorum of the [board] shall be [four (4) trustees].

68 (h) Trustees shall receive no compensation for their service on the [board], but may be  
69 reimbursed for those expenses allowed by the provisions of the comprehensive travel regulations  
70 as promulgated by the [Department of Finance and Administration] and approved by the [attorney  
71 general and reporter].

72 (i) The [board] shall adopt and implement a policy related to conflicts of interest to ensure  
73 that all trustees avoid any situation that creates an actual or perceived conflict of interest related  
74 to the work of the [Center].

75 (j) There shall be no liability on the part of, and no cause of action of any nature shall  
76 arise against [board] members, or any of their employees or agents, for any omission or any  
77 action taken by them within the scope of their duties arising from this part, except for willful,  
78 malicious or criminal acts or omissions done for personal gain.

79 (k) The [board] shall submit an annual report to the [governor, Speaker of the House and  
80 Speaker of the Senate by June 30 of each year]. Such report shall include detailed information on  
81 the operation and financial status of the [Center].

82  
83 Section 5. [*Center Appropriations.*]

84 (a) Moneys appropriated to the [Center] shall be invested by the [state treasurer] in  
85 accordance with applicable general law, except as qualified by this part. Such moneys shall be  
86 held separate and apart from all other moneys, funds, and accounts in a special agency account  
87 within the state [general fund].

88 (b) Any balance remaining unexpended at the end of a fiscal year in such account shall be  
89 carried forward into the subsequent fiscal year.

90 (c) Investment earnings credited to the assets of such account, including, but not limited  
91 to, interest, shall be carried forward into the subsequent fiscal year.

92 (d) The [Center] is authorized to request and receive gifts, contributions, bequests,  
93 donations and grants from any legal and appropriate source to effectuate its purpose. Any such  
94 funds received shall be deposited into the special agency account created pursuant to subsection  
95 (a).

96 (e) Moneys in the special agency account shall be expended only in accordance with, and  
97 for the purposes stated in, the provisions of this part. No part of this account shall be diverted to  
98 the [general fund] or any other public fund for any purpose whatsoever.

99  
100 Section 6. [*Center Authorization to Establish a Nonprofit Organization.*] The [Center] is  
101 authorized to create or establish a nonprofit organization which shall also be eligible to request  
102 and receive gifts, contributions, bequests, donations and grants from any legal and appropriate  
103 source to effectuate the [Center's] purpose. Such nonprofit organization, if created, shall report its  
104 receipts and expenditures on an annual basis to the [commissioner and the comptroller of the  
105 treasury].

106  
107 Section 7. [*Center Authorization to Promulgate Rules.*] The [Center] is authorized to  
108 promulgate any rules necessary to carry out the proper administration of this part. Such rules shall  
109 be promulgated in accordance with the provisions of the [Uniform Administrative Procedures  
110 Act], compiled in [insert citation].

111  
112 Section 8. [*Center Oversight.*] The [Center] and any nonprofit organization created under  
113 this Act shall be subject to examination and audit by the [comptroller of the treasury] in the same  
114 manner as prescribed for departments and agencies of the state.

115  
116 Section 9. [*Severability.*] [Insert severability clause.]

117  
118 Section 10. [*Repealer.*] [Insert repealer clause.]

119  
120 Section 11. [*Effective Date.*] [Insert effective date.]