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.)

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

Section 2. [Definitions.] As used in this Act:
(1) “Board” means the governing body of the [Center for Diabetes Prevention and Health Improvement].
(2) “Center” means the [Center for Diabetes Prevention and Health Improvement].
(3) “Nonprofit organization” means an entity that is exempt from federal income taxation under § 501(a) of the Internal Revenue Code as an organization described in § 501(c)(3) of the Internal Revenue Code.

Section 3. [Center for Diabetes Prevention and Health Improvement.]
(a) The [Center for Diabetes Prevention and Health Improvement] is hereby established as an agency of the state. The [Center] shall be attached to the [Department of Finance and Administration] for administrative purposes.
(b) The purpose of the [Center] is to develop, implement and promote a statewide effort to combat the proliferation of Type 2 diabetes.
(c) The duties of the [Center] shall be the following:
(1) The [Center] shall provide grants to high schools through the district office of local education agencies across the state to be used exclusively for programs promoting the understanding and prevention of diabetes. Grant requests must contain specific information about how the school will spend the funds and how such spending promotes the understanding and
prevention of diabetes. Grant recipients shall be required to provide to the [Center] [quarterly] reports of the results of their program.

(2) The [Center] shall 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 that is also a 501(c)(3) corporation, a 501(c)(6) entity whose membership consists entirely of 501(c)(3) corporations, or a public entity is eligible to apply in accordance with the provisions of this subdivision. In order to be eligible for a grant, an entity shall also have been in existence for [three (3) years], demonstrate evidence of financial stability, utilize evidence-based practices and show measurable results in its programs. The [Center] shall establish the grant criteria and make award decisions. In distributing such grants, the [Center] shall strive to create a coordinated, statewide set of resources to help the people of this state with their efforts to prevent or treat diabetes.

Section 4. [Center Board of Directors.]
(a) The [Center] shall operate under the direction of a [seven (7)]-member [board of directors]. [Five (5) members shall be appointed by the governor. One (1) member shall be appointed by the Speaker of the Senate and one (1) member shall be appointed by the Speaker of the House of Representatives of the General Assembly].

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

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

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

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

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

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

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

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

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

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

(h) Trustees shall receive no compensation for their service on the [board], but may be reimbursed for those expenses allowed by the provisions of the comprehensive travel regulations as promulgated by the [Department of Finance and Administration] and approved by the [attorney general and reporter].
(i) The [board] shall adopt and implement a policy related to conflicts of interest to ensure that all trustees avoid any situation that creates an actual or perceived conflict of interest related to the work of the [Center].

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

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

Section 5. [Center Appropriations.]

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

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

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

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

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

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

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

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

Section 9. [Severability.] [Insert severability clause.]

Section 10. [Repealer.] [Insert repealer clause.]

Section 11. [Effective Date.] [Insert effective date.]