

Amend **HB 2** (House Committee Report) as follows:

(1) On page 251, strike line 20 and substitute the following:

PART K. HEALTH AND SAFETY

(2) On page 252, between lines 8 and 9, add the following appropriately numbered SECTIONS to PART K, ARTICLE 2, of the bill:

SECTION _____. The heading to Chapter 95, Health and Safety Code, as added by Chapter 1465, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

CHAPTER 95. RISK ASSESSMENT FOR TYPE 2 DIABETES

~~[ACANTHOSIS NIGRICANS SCREENING]~~

SECTION _____. Section 95.001, Health and Safety Code, as added by Chapter 1465, Acts of the 77th Legislature, Regular Session, 2001, is amended by adding Subdivision (1-a) to read as follows:

(1-a) "Department" means the Department of State Health Services.

SECTION _____. Sections 95.002, 95.003, and 95.004, Health and Safety Code, as added by Chapter 1465, Acts of the 77th Legislature, Regular Session, 2001, are amended to read as follows:

Sec. 95.002. TYPE 2 DIABETES ~~[ACANTHOSIS NIGRICANS]~~
EDUCATION AND RISK ASSESSMENT PROGRAM ~~[SCREENING PROJECT]~~.

(a) The office shall administer a risk assessment program for Type 2 diabetes ~~[an acanthosis nigricans screening program]~~ in accordance with this chapter.

(b) The executive council by rule shall coordinate the risk assessment for Type 2 diabetes ~~[screening]~~ of individuals who attend public or private schools located in Texas Education Agency Regional Education Service Centers 1, 2, 3, 4, 10, 11, 13, 15, 18, 19, and 20 and, by using existing funding as efficiently as possible or by using other available funding, in additional regional education service centers.

(c) The rules must include procedures necessary to administer the risk assessment program, including procedures that require each school to record and report risk assessment

~~[screening]~~ activities using:

(1) the Centers for Disease Control and Prevention's Epi Info or similar surveillance software selected by the office;
or

(2) an existing database used to administer and track risk assessment data.

(d) The office shall require a risk assessment for Type 2 diabetes ~~[acanthosis nigricans screening]~~ to be performed at the same time hearing and vision screening is performed under Chapter 36 or spinal screening is performed under Chapter 37. The risk assessment for Type 2 diabetes should:

(1) identify students with a body mass index above the normal range; and

(2) further assess students identified under Subdivision (1) for acanthosis nigricans and elevated blood pressure.

(e) The office may:

(1) coordinate the risk assessment for Type 2 diabetes ~~[acanthosis nigricans screening]~~ activities of school districts, private schools, state agencies, volunteer organizations, universities, and other entities so that the efforts of each entity are complementary and not fragmented and duplicative; and

(2) [~~The office may~~] provide technical assistance to those entities in developing risk assessment ~~[screening]~~ programs.

(f) The office shall:

(1) [~~and may~~] provide educational and other material to assist local risk assessment ~~[screening]~~ activities; and

(2) [~~(f) The office shall~~] monitor the quality of risk assessment ~~[screening]~~ activities provided under this chapter; and

(3) consult with the Board of Nurse Examiners to determine the training requirements necessary for a nurse or other person to conduct risk assessment activities under this chapter.

(g) The office shall periodically provide information on obesity, Type 2 diabetes, and related conditions to physicians.

(h) The office shall provide to the department the

information necessary for the department to conduct an evaluation of the risk assessment program conducted under this chapter in accordance with the recommendations of the Type 2 Diabetes Risk Assessment Program Advisory Committee under Section 103.0125. This subsection expires September 1, 2007.

Sec. 95.003. COMPLIANCE WITH RISK ASSESSMENT [~~SCREENING~~] REQUIREMENTS. (a) Each individual required by rules adopted under this chapter to be assessed [~~screened~~] shall undergo approved risk assessment [~~screening~~] for Type 2 diabetes [~~acanthosis nigricans~~]. The individual shall comply with the requirements as soon as possible after the individual's admission to a school and as required by rule. The individual or, if the individual is a minor, the minor's parent, managing conservator, or guardian may substitute a professional examination for the risk assessment [~~screening~~].

(b) An individual is exempt from risk assessment [~~screening~~] if risk assessment [~~screening~~] conflicts with the tenets and practices of a recognized church or religious denomination of which the individual is an adherent or a member. To qualify for the exemption, the individual or, if the individual is a minor, the individual's parent, managing conservator, or guardian must submit to the chief administrator of the school on or before the day of the risk assessment process [~~screening procedure~~] an affidavit stating the objections to the risk assessment [~~screening~~].

(c) The chief administrator of each school shall ensure that each individual admitted to the school complies with the risk assessment [~~screening~~] requirements set by the executive council or submits an affidavit of exemption.

Sec. 95.004. RECORDS; REPORTS. (a) The chief administrator of each school shall maintain, on a form prescribed by the executive council, risk assessment [~~screening~~] records for each individual in attendance^[7] and enter the risk assessment information for each individual on the Centers for Disease Control and Prevention's Epi Info or similar surveillance software selected by the office. The risk assessment [~~the~~] records are open for inspection by the office or the local health department.

(b) The office may, directly or through local health departments, enter a school and inspect records maintained by the school relating to risk assessment [~~screening~~] for Type 2 diabetes [~~acanthosis nigricans~~].

(c) An individual's risk assessment [~~screening~~] records may be transferred among schools without the consent of the individual or, if the individual is a minor, the minor's parent, managing conservator, or guardian.

(d) The person performing the risk assessment [~~screening~~] shall send a report indicating that an individual may be at risk for developing Type 2 diabetes [~~have acanthosis nigricans~~] to the individual or, if the individual is a minor, the minor's parent, managing conservator, or guardian. The report must include:

(1) an explanation of:

(A) the process for assessing risk for developing Type 2 diabetes;

(B) the body mass index;

(C) the risk factors associated with developing Type 2 diabetes; and

(D) the reasons the individual was identified in the risk assessment process as being at risk for developing Type 2 diabetes [~~acanthosis nigricans and related conditions~~];

(2) a statement concerning an individual's or family's need for further evaluation for Type 2 diabetes and related [~~of~~] conditions [~~related to acanthosis nigricans~~]; and

(3) instructions to help the individual or family receive evaluation by a physician or other health care provider [~~and intervention by the school district~~].

(e) Each school shall submit to the office an annual report on the risk assessment [~~screening~~] status of the individuals in attendance during the reporting year and shall include in the report any other information required by the office.

(f) The annual report required under Subsection (e) must be compiled from the information entered into the surveillance software and be on a form prescribed by the executive council [~~and must be submitted according to the executive council's rules~~].

(g) The office shall analyze and compile a summary of the

reports submitted by schools under Subsection (e), file a copy of the summary with the Type 2 Diabetes Risk Assessment Program Advisory Committee established under Section 103.0125, and make the summary available to schools and the public on request.

(h) [(f)] Not later than January 15 of each odd-numbered year, the office shall submit to the department [governor and the legislature] a report concerning the effectiveness of the risk assessment program for Type 2 diabetes [acanthosis nigricans screening program] established by this chapter.

SECTION _____. Chapter 95, Health and Safety Code, as added by Chapter 1465, Acts of the 77th Legislature, Regular Session, 2001, is amended by adding Section 95.005 to read as follows:

Sec. 95.005. GIFTS AND GRANTS. The office may accept gifts, grants, and donations to support the Type 2 diabetes risk assessment program conducted under this chapter.

SECTION _____. Chapter 103, Health and Safety Code, is amended by adding Section 103.0125 to read as follows:

Sec. 103.0125. TYPE 2 DIABETES RISK ASSESSMENT PROGRAM ADVISORY COMMITTEE. (a) The council shall establish the Type 2 Diabetes Risk Assessment Program Advisory Committee to advise the Texas-Mexico Border Health Coordination Office of The University of Texas--Pan American on the Type 2 diabetes risk assessment program conducted under Chapter 95.

(b) The advisory committee is composed of:

(1) the following representatives appointed by the executive head of the agency, organization, school, or school district the representative serves:

(A) one representative of the council;

(B) one representative of the department;

(C) one representative of the Texas Education Agency;

(D) a representative from The University of Texas--Pan American;

(E) one representative of the Texas Medical Association;

(F) one representative of the Texas Pediatric Society;

(G) one representative of the American Heart Association;

(H) one representative of the American Diabetes Association;

(I) one school district administrator representative from a school district selected by the council;

(J) one school nurse representative from a rural school selected by the council; and

(K) one school nurse representative from an urban school selected by the council; and

(2) one parent or guardian of a child in this state with Type 2 diabetes, appointed by the council.

(c) A person may not be a member of the advisory committee if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a health care profession or related business or another profession related to the operation of the council.

(d) The representative of the council appointed under Subsection (b)(1)(A) shall serve as the presiding officer of the advisory committee.

(e) Chapter 2110, Government Code, does not apply to the size, composition, or duration of the advisory committee.

(f) The advisory committee shall:

(1) recommend the person who should be responsible for conducting risk assessment activities under Chapter 95 for schools that do not employ a school nurse;

(2) advise the Texas-Mexico Border Health Coordination Office of The University of Texas--Pan American on the age groups that would benefit most from the risk assessment activities under Chapter 95;

(3) recommend a method to record and report the number of children who are identified in the risk assessment process as being at risk for having or developing Type 2 diabetes and who qualify for the national free or reduced-price lunch program established under 42 U.S.C. Section 1751 et seq.;

(4) recommend a timeline for the Texas-Mexico Border

Health Coordination Office of The University of Texas--Pan American to implement the advisory committee's recommended risk assessment activities, surveillance methods, reports, and quality improvements; and

(5) contribute to the state plan for diabetes treatment developed by the council under Section 103.013 by providing statistics and information on the risk assessment activities conducted under Chapter 95 and recommendations for assisting children in this state at risk for developing Type 2 diabetes.

(g) The advisory committee shall recommend to the department a method for the department to evaluate the Type 2 diabetes risk assessment program administered under Chapter 95. The department shall conduct the evaluation in accordance with this subsection and the advisory committee's recommendations under this subsection and file a report on the evaluation with the governor and the presiding officer of each house of the legislature not later than January 1, 2007. The method must include:

(1) an evaluation of the burden and benefits of the program;

(2) an evaluation of the costs and expenses of the program to determine the most efficient use of the resources available for the program;

(3) recommendations for legislation that amends Chapter 95; and

(4) any other component that the advisory committee considers advisable.

(h) Subsection (g) and this subsection expire September 1, 2007.

SECTION ____ . (a) As early as practicable after the effective date of this Act, the executive head of the following entities shall appoint a representative to serve on the Type 2 Diabetes Risk Assessment Program Advisory Committee created under Section 103.0125, Health and Safety Code, as added by this Act:

(1) the Texas Diabetes Council;

(2) the Department of State Health Services;

(3) the Texas Education Agency;

(4) the Texas Medical Association;
(5) the Texas Pediatric Society;
(6) the American Heart Association;
(7) the American Diabetes Association;
(8) The University of Texas--Pan American; and
(9) the schools and school district selected by the Texas Diabetes Council for this purpose.

(b) As early as practicable after the effective date of this Act, the head of the Texas Diabetes Council shall appoint a parent or guardian of a child in this state with Type 2 diabetes to serve on the Type 2 Diabetes Risk Assessment Program Advisory Committee created under Section 103.0125, Health and Safety Code, as added by this Act.

SECTION _____. Subdivision (6), Section 95.001, Health and Safety Code, as added by Chapter 1465, Acts of the 77th Legislature, Regular Session, 2001, is repealed.