

By: Lucio

S.B. No. 21

A BILL TO BE ENTITLED

AN ACT

relating to a risk assessment program for Type 2 diabetes and the creation of the Type 2 Diabetes Risk Assessment Program Advisory Committee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. 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 2. Chapter 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 3. 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

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

7 (c) The rules must include procedures necessary to
8 administer the risk assessment program, including procedures that
9 require each school to record and report risk assessment
10 [~~screening~~] activities using:

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

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

16 (d) The office shall require a risk assessment for Type 2
17 diabetes [~~acanthosis nigricans screening~~] to be performed at the
18 same time hearing and vision screening is performed under Chapter
19 36 or spinal screening is performed under Chapter 37. The risk
20 assessment for Type 2 diabetes should:

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

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

26 (e) The office may:

27 (1) coordinate the risk assessment for Type 2 diabetes

1 ~~[acanthosis nigricans screening]~~ activities of school districts,
2 private schools, state agencies, volunteer organizations,
3 universities, and other entities so that the efforts of each entity
4 are complementary and not fragmented and duplicative; and

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

8 (f) The office shall:

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

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

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

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

19 (h) The office shall provide to the department the
20 information necessary for the department to conduct an evaluation
21 of the risk assessment program conducted under this chapter in
22 accordance with the recommendations of the Type 2 Diabetes Risk
23 Assessment Program Advisory Committee under Section 103.0125. This
24 subsection expires September 1, 2007.

25 Sec. 95.003. COMPLIANCE WITH RISK ASSESSMENT ~~[SCREENING]~~
26 REQUIREMENTS. (a) Each individual required by rules adopted under
27 this chapter to be assessed ~~[screened]~~ shall undergo approved risk

1 assessment [~~screening~~] for Type 2 diabetes [~~acanthosis nigricans~~].
2 The individual shall comply with the requirements as soon as
3 possible after the individual's admission to a school and as
4 required by rule. The individual or, if the individual is a minor,
5 the minor's parent, managing conservator, or guardian may
6 substitute a professional examination for the risk assessment
7 [~~screening~~].

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

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

22 Sec. 95.004. RECORDS; REPORTS. (a) The chief
23 administrator of each school shall maintain, on a form prescribed
24 by the executive council, risk assessment [~~screening~~] records for
25 each individual in attendance[7] and enter the risk assessment
26 information for each individual on the Centers for Disease Control
27 and Prevention's Epi Info or similar surveillance software selected

1 by the office. The risk assessment ~~[the]~~ records are open for
2 inspection by the office or the local health department.

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

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

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

16 (1) an explanation of:

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

19 (B) the body mass index;

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

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

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

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

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

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

12 (g) The office shall analyze and compile a summary of the
13 reports submitted by schools under Subsection (e), file a copy of
14 the summary with the Type 2 Diabetes Risk Assessment Program
15 Advisory Committee established under Section 103.0125, and make the
16 summary available to schools and the public on request.

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

22 SECTION 4. Chapter 95, Health and Safety Code, as added by
23 Chapter 1465, Acts of the 77th Legislature, Regular Session, 2001,
24 is amended by adding Section 95.005 to read as follows:

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

1 SECTION 5. Chapter 103, Health and Safety Code, is amended
2 by adding Section 103.0125 to read as follows:

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

9 (b) The advisory committee is composed of:

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

13 (A) one representative of the council;

14 (B) one representative of the department;

15 (C) one representative of the Texas Education
16 Agency;

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

19 (E) one representative of the Texas Medical
20 Association;

21 (F) one representative of the Texas Pediatric
22 Society;

23 (G) one representative of the American Heart
24 Association;

25 (H) one representative of the American Diabetes
26 Association;

27 (I) one school district administrator

1 representative from a school district selected by the council;

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

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

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

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

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

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

19 (f) The advisory committee shall:

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

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

27 (3) recommend a method to record and report the number

1 of children who are identified in the risk assessment process as
2 being at risk for having or developing Type 2 diabetes and who
3 qualify for the national free or reduced-price lunch program
4 established under 42 U.S.C. Section 1751 et seq.;

5 (4) recommend a timeline for the Texas-Mexico Border
6 Health Coordination Office of The University of Texas--Pan American
7 to implement the advisory committee's recommended risk assessment
8 activities, surveillance methods, reports, and quality
9 improvements; and

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

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

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

26 (2) an evaluation of the costs and expenses of the
27 program to determine the most efficient use of the resources

1 available for the program;

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

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

6 (h) Subsection (g) and this subsection expire September 1,
7 2007.

8 SECTION 6. (a) As early as practicable after the effective
9 date of this Act, the executive head of the following entities shall
10 appoint a representative to serve on the Type 2 Diabetes Risk
11 Assessment Program Advisory Committee created under Section
12 103.0125, Health and Safety Code, as added by this Act:

- 13 (1) the Texas Diabetes Council;
- 14 (2) the Department of State Health Services;
- 15 (3) the Texas Education Agency;
- 16 (4) the Texas Medical Association;
- 17 (5) the Texas Pediatric Society;
- 18 (6) the American Heart Association;
- 19 (7) the American Diabetes Association;
- 20 (8) The University of Texas--Pan American; and
- 21 (9) the schools and school district selected by the
22 Texas Diabetes Council for this purpose.

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

1 this Act.

2 SECTION 7. Subdivision (6), Section 95.001, Health and
3 Safety Code, as added by Chapter 1465, Acts of the 77th Legislature,
4 Regular Session, 2001, is repealed.

5 SECTION 8. This Act takes effect December 1, 2005.