

Amend CSSB 1239 by striking all below the enacting clause and substituting the following:

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. 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 in additional regional education service centers as funding is available.

(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, 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;

(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.

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 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 report required under Subsection (e) must 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) 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 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 3. 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 4. Subdivision (6), Section 95.001, Health and Safety Code, as added by Chapter 1465, Acts of the 77th Legislature, Regular Session, 2001, is repealed.

SECTION 5. This Act takes effect September 1, 2005.