

By: McReynolds

H.B. No. 3099

Substitute the following for H.B. No. 3099:

By: Laubenberg

C.S.H.B. No. 3099

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a risk assessment program for Type 2 diabetes and the
3 creation of the Type 2 Diabetes Risk Assessment Program Advisory
4 Committee.

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

6 SECTION 1. The heading to Chapter 95, Health and Safety
7 Code, as added by Chapter 1465, Acts of the 77th Legislature,
8 Regular Session, 2001, is amended to read as follows:

9 CHAPTER 95. RISK ASSESSMENT FOR TYPE 2 DIABETES

10 [~~ACANTHOSIS NIGRICANS SCREENING~~]

11 SECTION 2. Section 95.001(2), Health and Safety Code, as
12 added by Chapter 1465, Acts of the 77th Legislature, Regular
13 Session, 2001, is amended to read as follows:

14 (2) "Department" means the Department of State Health
15 Services [~~"Executive council" means the executive council advising~~
16 ~~the Texas-Mexico Border Health Coordination Office of The~~
17 ~~University of Texas-Pan American~~].

18 SECTION 3. Sections 95.002, 95.003, and 95.004, Health and
19 Safety Code, as added by Chapter 1465, Acts of the 77th Legislature,
20 Regular Session, 2001, are amended to read as follows:

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

23 (a) The department [~~office~~] shall administer a risk assessment
24 program for Type 2 diabetes [~~an acanthosis nigricans screening~~]

1 ~~program~~] in accordance with this chapter. To administer the risk
2 assessment program, the department may contract with one or more
3 institutions of higher education, such as the Texas-Mexico Border
4 Health Coordination Office of The University of Texas--Pan American
5 or the Texas Tech University Health Sciences Center, and may assign
6 to an institution under a contract any duty required by this
7 chapter.

8 (b) The department [~~executive council by rule~~] shall
9 coordinate the risk assessment for Type 2 diabetes [~~screening~~] of
10 individuals who attend public or private schools located in Texas
11 Education Agency Regional Education Service Centers 1, 2, 3, 4, 10,
12 11, 13, 15, 18, 19, and 20 and in additional regional education
13 service centers as funding is available.

14 (c) The department shall establish the [~~rules must include~~]
15 procedures necessary to administer the risk assessment program,
16 including procedures that require each school to record and report
17 risk assessment [~~screening~~] activities using:

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

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

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

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

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

6 (e) The department [~~office~~] may:

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

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

15 (f) The department shall:

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

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

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

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

26 Sec. 95.003. COMPLIANCE WITH RISK ASSESSMENT [~~SCREENING~~]
27 REQUIREMENTS. (a) Each individual required by rules adopted under

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

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

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

23 Sec. 95.004. RECORDS; REPORTS. (a) The chief
24 administrator of each school shall maintain, on a form prescribed
25 by the department, risk assessment [~~executive council, screening~~]
26 records for each individual in attendance[7] and enter the risk
27 assessment information for each individual on the Centers for

1 Disease Control and Prevention's Epi Info or similar surveillance
2 software selected by the department. The risk assessment [the]
3 records are open for inspection by the department [office] or the
4 local health department.

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

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

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

- 18 (1) an explanation of:
- 19 (A) the process for assessing risk for developing
20 Type 2 diabetes;
- 21 (B) the body mass index;
- 22 (C) the risk factors associated with developing
23 Type 2 diabetes; and
- 24 (D) the reasons the individual was identified in
25 the risk assessment process as being at risk for developing Type 2
26 diabetes [acanthosis nigricans and related conditions];

27 (2) a statement concerning an individual's or family's

1 need for further evaluation for Type 2 diabetes and related ~~[of]~~
2 conditions ~~[related to acanthosis nigricans]~~; and

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

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

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

16 (g) The department shall analyze and compile a summary of
17 the reports submitted by schools under Subsection (e) and make the
18 summary available to schools and the public on request.

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

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

27 Sec. 95.005. GIFTS AND GRANTS. The department may accept

1 gifts, grants, and donations to support the Type 2 diabetes risk
2 assessment program conducted under this chapter.

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

5 Sec. 103.0125. TYPE 2 DIABETES RISK ASSESSMENT PROGRAM
6 ADVISORY COMMITTEE. (a) The council shall establish the Type 2
7 Diabetes Risk Assessment Program Advisory Committee to advise the
8 department on the Type 2 diabetes risk assessment program conducted
9 under Chapter 95.

10 (b) The advisory committee is composed of:

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

14 (A) one representative of the council;

15 (B) one representative of the department;

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

18 (D) a representative from an institution of
19 higher education involved in Type 2 diabetes research selected by
20 the council;

21 (E) one representative of the Texas Medical
22 Association;

23 (F) one representative of the Texas Pediatric
24 Society;

25 (G) one representative of the American Heart
26 Association;

27 (H) one representative of the American Diabetes

1 Association; and

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

4 (2) the following representatives selected jointly by
5 the Texas School Nurses Organization and the Texas School Nurse
6 Administrators Association:

7 (A) one school nurse representative from a rural
8 school; and

9 (B) one school nurse representative from an urban
10 school; and

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

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

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

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

24 (f) The advisory committee shall:

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

1 (2) advise the department on the age groups that would
2 benefit most from the risk assessment activities under Chapter 95;

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

8 (4) recommend a timeline for the department to
9 implement the advisory committee's recommended risk assessment
10 activities, surveillance methods, reports, and quality
11 improvements; and

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

18 SECTION 6. (a) As early as possible after the effective
19 date of this Act, the executive head of the following entities shall
20 appoint a representative to serve on the Type 2 Diabetes Risk
21 Assessment Program Advisory Committee created under Section
22 103.0125, Health and Safety Code, as added by this Act:

- 23 (1) the Texas Diabetes Council;
24 (2) the Department of State Health Services;
25 (3) the Texas Education Agency;
26 (4) the Texas Medical Association;
27 (5) the Texas Pediatric Society;

1 (6) the American Heart Association;

2 (7) the American Diabetes Association;

3 (8) the institution of higher education involved in
4 Type 2 diabetes research selected by the Texas Diabetes Council for
5 this purpose; and

6 (9) the schools and school district selected by the
7 Texas Diabetes Council for this purpose.

8 (b) As early as possible after the effective date of this
9 Act, the Texas School Nurses Organization and the Texas School
10 Nurse Administrators Association shall jointly select a nurse
11 representative from a rural school and a nurse representative from
12 an urban school to serve on the Type 2 Diabetes Risk Assessment
13 Program Advisory Committee created under Section 103.0125, Health
14 and Safety Code, as added by this Act.

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

21 SECTION 7. Subdivisions (3) and (6), Section 95.001, Health
22 and Safety Code, as added by Chapter 1465, Acts of the 77th
23 Legislature, Regular Session, 2001, are repealed.

24 SECTION 8. This Act takes effect September 1, 2005.