

By: Lucio, Hinojosa

S.B. No. 467

A BILL TO BE ENTITLED

AN ACT

relating to a risk assessment for Type 2 diabetes.

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. Section 95.001(3), Health and Safety Code, as added by Chapter 1465, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

(3) "Office" means the ~~[Texas-Mexico]~~ Border Health ~~[Coordination]~~ Office of The University of Texas-Pan American.

SECTION 3. Sections 95.002-95.004, 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 office ~~[executive council]~~ by rule shall coordinate the risk assessment for Type 2 diabetes ~~[screening]~~ of individuals who attend public schools in this state or private schools located

1 in Texas Education Agency Regional Education Service Centers 1, 2,  
2 3, 4, 10, 11, 13, 15, 18, 19, and 20. The office may coordinate the  
3 risk assessment of individuals who attend private schools in other  
4 regional education service centers in this state as determined by  
5 the office.

6 (c) The rules must include procedures necessary to  
7 administer risk assessment [~~screening~~] activities.

8 (d) The office shall require a risk assessment for Type 2  
9 diabetes [~~acanthosis nigricans screening~~] to be performed at the  
10 same time hearing and vision screening is performed under Chapter  
11 36 or spinal screening is performed under Chapter 37. The risk  
12 assessment for Type 2 diabetes should identify students with:

13 (1) a body mass index above the 95th percentile; and  
14 (2) any of the following additional risk factors for  
15 Type 2 diabetes:

16 (A) acanthosis nigricans;  
17 (B) elevated blood pressure; or  
18 (C) race or ethnicity with a statistically higher  
19 incidence of Type 2 diabetes.

20 (e) The office may coordinate the risk assessment for Type 2  
21 diabetes [~~acanthosis nigricans screening~~] activities of school  
22 districts, private schools, state agencies, volunteer  
23 organizations, and other entities so that the efforts of each  
24 entity are complementary and not fragmented and duplicative. The  
25 office may provide technical assistance to those entities in  
26 developing risk assessment [~~screening~~] programs and may provide  
27 educational and other material to assist local risk assessment

1 ~~[screening]~~ activities.

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

4 (g) The office, in collaboration with public and private  
5 health-related organizations, shall provide information on obesity  
6 and Type 2 diabetes to physicians licensed in this state who provide  
7 medical care to children.

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

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

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

5 Sec. 95.004. RECORDS; REPORTS. (a) The chief  
6 administrator of each school shall maintain, on a form prescribed  
7 by the office [~~executive council~~], risk assessment [~~screening~~]  
8 records for each individual in attendance, and the records are open  
9 for inspection by the office or the local health department.

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

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

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

23 (1) an explanation of the process to assess risk for  
24 developing Type 2 diabetes, body mass index, risk factors  
25 associated with developing Type 2 diabetes, and why the individual  
26 was identified in the risk assessment process as at risk for  
27 developing Type 2 diabetes [~~acanthosis nigricans and related~~]

1 ~~conditions~~];

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

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

8 (e) Each school shall submit to the office an annual report  
9 on the risk assessment ~~[screening]~~ status of the individuals in  
10 attendance during the reporting year and shall include in the  
11 report any other information required by the office. For each  
12 individual identified as being at risk for developing Type 2  
13 diabetes, the report must indicate whether the individual:

14 (1) subsequently sought the assistance of a health  
15 care provider or physician;

16 (2) was examined and received health care  
17 recommendations from a health care provider or physician; or

18 (3) failed to disclose the outcome of any additional  
19 health care assistance or testing.

20 (f) The annual report required under Subsection (e) must be  
21 submitted electronically on the web-based system developed by the  
22 office for the purposes of this chapter or on a form prescribed by  
23 the office in accordance with ~~[executive council and must be~~  
24 ~~submitted according to]~~ the office's ~~[executive council's]~~ rules.

25 (g) ~~[(f)]~~ Not later than January 15 of each odd-numbered  
26 year, the office shall submit to the governor and the legislature a  
27 report concerning the effectiveness of the risk assessment for Type

1 2 diabetes [~~acanthosis nigricans screening~~] program established by  
2 this chapter.

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

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