

By: Madla

S.B. No. 545

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of the Type 2 Diabetes Screening Program
3 Advisory Council and the establishment of a Type 2 diabetes
4 screening program for school children.

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. TYPE 2 DIABETES [~~ACANTHOSIS NIGRICANS~~] SCREENING

10 SECTION 2. Section 95.001, Health and Safety Code, as added
11 by Chapter 1465, Acts of the 77th Legislature, Regular Session,
12 2001, is amended by amending Subdivisions (2) and (3) and adding
13 Subdivision (2-a) to read as follows:

14 (2) "Advisory council" means the Type 2 Diabetes
15 Screening Program Advisory Council.

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

20 (3) "Executive commissioner" means the executive
21 commissioner of the Health and Human Services Commission [~~"Office"~~
22 ~~means the Texas-Mexico Border Health Coordination Office of The~~
23 ~~University of Texas-Pan American~~].

24 SECTION 3. Section 95.002, Health and Safety Code, as added

1 by Chapter 1465, Acts of the 77th Legislature, Regular Session,
2 2001, is amended to read as follows:

3 Sec. 95.002. TYPE 2 DIABETES [~~ACANTHOSIS NIGRICANS~~]
4 EDUCATION AND SCREENING PROGRAM [~~PROJECT~~]. (a) The department
5 [~~office~~] shall administer a Type 2 diabetes [~~an acanthosis~~
6 ~~nigricans~~] screening program in accordance with this chapter. To
7 administer the screening program, the department shall contract
8 with one or more institutions of higher education, such as the
9 Texas-Mexico Border Health Coordination Office of The University of
10 Texas-Pan American or the Texas Tech Diabetes Research Center, and
11 may assign to an institution under a contract any duty required by
12 this chapter.

13 (b) The executive commissioner [~~council~~] by rule shall
14 coordinate screening of individuals who attend public or private
15 schools in this state [~~located in Texas Education Agency Regional~~
16 ~~Education Service Centers 1, 2, 3, 4, 10, 11, 13, 15, 18, 19, and~~
17 ~~20~~].

18 (c) The rules must include procedures necessary to
19 administer and track screening activities, including rules that
20 require the department and each school to record and track the
21 information collected during screening activities using the
22 Centers for Disease Control and Prevention's Epi Info or a similar
23 data tracking program selected by the department and designed to
24 develop questionnaires and customize and analyze data.

25 (d) Unless the executive commissioner by rule establishes
26 different times or age groups, the department [~~The office~~] shall
27 require Type 2 diabetes [~~acanthosis nigricans~~] screening to be

1 performed at the same time hearing and vision screening is
2 performed under Chapter 36 or spinal screening is performed under
3 Chapter 37. The Type 2 diabetes screening should:

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

6 (2) further screen students identified under
7 Subdivision (1) for acanthosis nigricans and identify students with
8 an above normal grade of acanthosis nigricans; and

9 (3) further screen students identified under
10 Subdivision (2) for elevated blood pressure.

11 (e) The department [office] may:

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

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

19 (f) The department shall:

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

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

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

27 SECTION 4. Sections 95.003(a) and (c), Health and Safety

1 Code, as added by Chapter 1465, Acts of the 77th Legislature,
2 Regular Session, 2001, are amended to read as follows:

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

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

15 SECTION 5. Section 95.004, Health and Safety Code, as added
16 by Chapter 1465, Acts of the 77th Legislature, Regular Session,
17 2001, is amended by amending Subsections (a), (b), (d), (e), and (f)
18 and adding Subsections (g) and (h) to read as follows:

19 (a) The chief administrator of each school shall maintain,
20 on a form prescribed by the department [~~executive council~~],
21 screening records for each individual in attendance and enter the
22 screening information for each individual on the Centers for
23 Disease Control and Prevention's Epi Info or another data tracking
24 program selected by the department in accordance with executive
25 commissioner rules. The screening [~~, and the~~] records are open for
26 inspection by the [~~office or the~~] local health department.

27 (b) The department [~~office~~] may, directly or through local

1 health departments, enter a school and inspect records maintained
2 by the school relating to screening for Type 2 diabetes [~~acanthosis~~
3 ~~nigricans~~].

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

10 (1) an explanation of the Type 2 diabetes screening
11 process, body mass index, [~~acanthosis nigricans and~~] related
12 conditions associated with developing Type 2 diabetes, such as
13 acanthosis nigricans or elevated blood pressure, and why the
14 individual was identified in the screening process as at risk for
15 developing Type 2 diabetes;

16 (2) a statement concerning an individual's or family's
17 need for further evaluation for Type 2 diabetes and related [~~of~~]
18 conditions that indicate the individual is at risk for developing
19 Type 2 diabetes [~~related to acanthosis nigricans~~]; and

20 (3) instructions to help the individual or family
21 receive evaluation and intervention by the school district or by a
22 physician or health care provider.

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

27 (f) The annual report required under Subsection (e) must be

1 compiled from the information entered into the data tracking
2 program and be on a form prescribed by the department in accordance
3 with executive commissioner [~~council and must be submitted~~
4 ~~according to the executive council's~~] rules.

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

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

13 SECTION 6. Chapter 95, Health and Safety Code, as added by
14 Chapter 1465, Acts of the 77th Legislature, Regular Session, 2001,
15 is amended by adding Sections 95.005 and 95.006 to read as follows:

16 Sec. 95.005. ADVISORY COUNCIL. (a) The department shall
17 establish the Type 2 Diabetes Screening Program Advisory Council to
18 advise the department on the Type 2 diabetes screening program
19 conducted under this chapter.

20 (b) The advisory council is composed of:

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

24 (A) one representative of the Texas Diabetes
25 Institute;

26 (B) one representative of the department;

27 (C) one representative of the Texas Education

1 Agency;

2 (D) a representative from each institution of
3 higher education selected by the department;

4 (E) one representative of the Texas Medical
5 Association;

6 (F) one representative of the Texas Pediatric
7 Society;

8 (G) one representative of the American Heart
9 Association;

10 (H) one school nurse representative from a rural
11 school selected by the department; and

12 (I) one school nurse representative from an urban
13 school selected by the department; and

14 (2) one parent or guardian of a child in this state
15 with Type 2 diabetes, appointed by the Texas Diabetes Institute.

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

22 (d) The representative of the Texas Diabetes Institute
23 appointed under Subsection (b)(1)(A) shall serve as the presiding
24 officer of the advisory council.

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

27 Sec. 95.006. ADVISORY COUNCIL DUTIES. The advisory council

1 shall:

2 (1) recommend the person who should be responsible for
3 conducting screening activities under this chapter for schools that
4 do not employ a school nurse;

5 (2) advise the department on the age groups that would
6 benefit most from the screening activities under this chapter;

7 (3) develop a method to track the number of children
8 who are identified in the screening process as at risk for having or
9 developing Type 2 diabetes and who qualify for the national free or
10 reduced-price lunch program established under 42 U.S.C. Section
11 1751 et seq.;

12 (4) develop a timeline for the department to implement
13 the advisory council's recommended screening activities, tracking
14 methods, reports, and quality improvements; and

15 (5) contribute to the state plan for diabetes
16 treatment developed by the Texas Diabetes Council under Section
17 103.013 by providing statistics and information on the screening
18 activities conducted under this chapter and recommendations for
19 assisting children in this state at risk for developing Type 2
20 diabetes.

21 SECTION 7. (a) As early as possible after the effective
22 date of this Act, the executive head of the following entities shall
23 appoint a representative to serve on the Type 2 Diabetes Screening
24 Program Advisory Council created under Section 95.005, Health and
25 Safety Code, as added by this Act:

26 (1) Texas Diabetes Institute;

27 (2) Department of State Health Services;

- 1 (3) Texas Education Agency;
- 2 (4) Texas Medical Association;
- 3 (5) Texas Pediatric Society;
- 4 (6) American Heart Association;
- 5 (7) the institutions of higher education selected by
- 6 the Department of State Health Services for this purpose; and
- 7 (8) the schools selected by the Department of State
- 8 Health Services for this purpose.

9 (b) As early as possible after the effective date of this

10 Act, the head of the Texas Diabetes Institute shall appoint a parent

11 or guardian of a child in this state with Type 2 diabetes to serve on

12 the Type 2 Diabetes Screening Program Advisory Council created

13 under Section 95.005, Health and Safety Code, as added by this Act.

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