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S.B. No. 1239

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, Health and Safety code, as added by Chapter 1465, Acts of the 77th Legislature, Regular Session, 2001, is amended by adding Section 95.0011 to read as follows:

Sec. 95.0011. EXPIRATION. This chapter expires September 1, 2007.

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

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

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

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

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

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

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

25 (e) The office may:

26 (1) coordinate the risk assessment for Type 2 diabetes
27 [~~acanthosis nigricans screening~~] activities of school districts,

1 private schools, state agencies, volunteer organizations,
2 universities, and other entities so that the efforts of each entity
3 are complementary and not fragmented and duplicative; and

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

7 (f) The office shall:

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

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

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

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

18 Sec. 95.003. COMPLIANCE WITH RISK ASSESSMENT [~~SCREENING~~]
19 REQUIREMENTS. (a) Each individual required by rules adopted under
20 this chapter to be assessed [~~screened~~] shall undergo approved risk
21 assessment [~~screening~~] for Type 2 diabetes [~~acanthosis nigricans~~].
22 The individual shall comply with the requirements as soon as
23 possible after the individual's admission to a school and as
24 required by rule. The individual or, if the individual is a minor,
25 the minor's parent, managing conservator, or guardian may
26 substitute a professional examination for the risk assessment
27 [~~screening~~].

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

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

15 Sec. 95.004. RECORDS; REPORTS. (a) The chief
16 administrator of each school shall maintain, on a form prescribed
17 by the executive council, risk assessment [~~screening~~] records for
18 each individual in attendance[7] and enter the risk assessment
19 information for each individual on the Centers for Disease Control
20 and Prevention's Epi Info or similar surveillance software selected
21 by the office. The risk assessment [~~the~~] records are open for
22 inspection by the office or the local health department.

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

27 (c) An individual's risk assessment [~~screening~~] records may

1 be transferred among schools without the consent of the individual
2 or, if the individual is a minor, the minor's parent, managing
3 conservator, or guardian.

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

9 (1) an explanation of:

10 (A) the process for assessing risk for developing
11 Type 2 diabetes;

12 (B) the body mass index;

13 (C) the risk factors associated with developing
14 Type 2 diabetes; and

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

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

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

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

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

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

10 (h) [~~(f)~~] Not later than January 15 of each odd-numbered
11 year, the office shall submit to the governor, [~~and~~] the
12 legislature, and the Type 2 Diabetes Risk Assessment Program
13 Advisory Committee a report concerning the effectiveness of the
14 risk assessment program for Type 2 diabetes [~~acanthosis nigricans~~
15 screening program] established by this chapter.

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

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

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

24 Sec. 103.0125. TYPE 2 DIABETES RISK ASSESSMENT PROGRAM
25 ADVISORY COMMITTEE. (a) The council shall establish the Type 2
26 Diabetes Risk Assessment Program Advisory Committee to advise the
27 Texas-Mexico Border Health Coordination Office of The University of

1 Texas--Pan American on the Type 2 diabetes risk assessment program
2 conducted under Chapter 95.

3 (b) The advisory committee is composed of:

4 (1) the following representatives appointed by the
5 executive head of the agency, organization, school, or school
6 district the representative serves:

7 (A) one representative of the council;

8 (B) one representative of the department;

9 (C) one representative of the Texas Education
10 Agency;

11 (D) a representative from The University of
12 Texas--Pan American;

13 (E) one representative of the Texas Medical
14 Association;

15 (F) one representative of the Texas Pediatric
16 Society;

17 (G) one representative of the American Heart
18 Association;

19 (H) one representative of the American Diabetes
20 Association;

21 (I) one school district administrator
22 representative from a school district selected by the council;

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

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

27 (2) one parent or guardian of a child in this state

1 with Type 2 diabetes, appointed by the council.

2 (c) A person may not be a member of the advisory committee if
3 the person is required to register as a lobbyist under Chapter 305,
4 Government Code, because of the person's activities for
5 compensation on behalf of a health care profession or related
6 business or another profession related to the operation of the
7 council.

8 (d) The representative of the council appointed under
9 Subsection (b)(1)(A) shall serve as the presiding officer of the
10 advisory committee.

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

13 (f) The advisory committee shall:

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

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

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

26 (4) recommend a timeline for the Texas-Mexico Border
27 Health Coordination Office of The University of Texas--Pan American

1 to implement the advisory committee's recommended risk assessment
2 activities, surveillance methods, reports, and quality
3 improvements; and

4 (5) contribute to the state plan for diabetes
5 treatment developed by the council under Section 103.013 by
6 providing statistics and information on the risk assessment
7 activities conducted under Chapter 95 and recommendations for
8 assisting children in this state at risk for developing Type 2
9 diabetes.

10 SECTION 6. (a) As early as possible after the effective
11 date of this Act, the executive head of the following entities shall
12 appoint a representative to serve on the Type 2 Diabetes Risk
13 Assessment Program Advisory Committee created under Section
14 103.0125, Health and Safety Code, as added by this Act:

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

25 (b) As early as possible after the effective date of this
26 Act, the head of the Texas Diabetes Council shall appoint a parent
27 or guardian of a child in this state with Type 2 diabetes to serve on

1 the Type 2 Diabetes Risk Assessment Program Advisory Committee
2 created under Section 103.0125, Health and Safety Code, as added by
3 this Act.

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

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