

By: Lucio, Madla

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 Council.

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

(2) "Advisory council" means the Type 2 Diabetes Risk Assessment Program Advisory Council.

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

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

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

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

6 (a) The department [~~office~~] shall administer a risk assessment  
7 program for Type 2 diabetes [~~an acanthosis nigricans screening~~  
8 ~~program~~] in accordance with this chapter. To administer the risk  
9 assessment program, the department may contract with one or more  
10 institutions of higher education, such as the Texas-Mexico Border  
11 Health Coordination Office of The University of Texas-Pan American  
12 or the Texas Tech University Health Science Center and may assign to  
13 an institution under a contract any duty required by this chapter.

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

19 (c) The rules must include procedures necessary to  
20 administer and track risk assessment [~~screening~~] activities,  
21 including rules that require the department and each school to  
22 record and track the information collected during risk assessment  
23 activities using:

24 (1) the Centers for Disease Control and Prevention's  
25 Epi Info or a similar data tracking program selected by the  
26 department and designed to develop questionnaires and customize and  
27 analyze data; or

1           (2) an existing database used to administer and track  
2 risk assessment activities.

3           (d) Unless the executive commissioner establishes different  
4 times or age groups, the department [~~The office~~] shall require a  
5 risk assessment for Type 2 diabetes [~~acanthosis nigricans~~  
6 ~~screening~~] to be performed at the same time hearing and vision  
7 screening is performed under Chapter 36 or spinal screening is  
8 performed under Chapter 37. The risk assessment for Type 2 diabetes  
9 should:

10           (1) identify students with a body mass index above the  
11 normal range;

12           (2) further screen students identified under  
13 Subdivision (1) for acanthosis nigricans and identify students with  
14 an above normal grade of acanthosis nigricans; and

15           (3) further screen students identified under  
16 Subdivision (2) for elevated blood pressure.

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

18           (1) coordinate the risk assessment for Type 2 diabetes  
19 [~~acanthosis nigricans screening~~] activities of school districts,  
20 private schools, state agencies, volunteer organizations,  
21 universities, and other entities so that the efforts of each entity  
22 are complementary and not fragmented and duplicative; and

23           (2) [~~The office may~~] provide technical assistance to  
24 those entities in developing risk assessment [~~screening~~]  
25 programs. (f) The department shall:

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

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

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

7           (g) The department shall periodically provide information  
8 on obesity, Type 2 diabetes, and related conditions to physicians  
9 through provider bulletins.

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

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

1 affidavit stating the objections to the risk assessment  
2 ~~[screening]~~.

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

7 Sec. 95.004. RECORDS; REPORTS. (a) The chief  
8 administrator of each school shall maintain, on a form prescribed  
9 by the department ~~[executive council]~~, risk assessment ~~[screening]~~  
10 records for each individual in attendance~~[r]~~ and enter the risk  
11 assessment information for each individual on the Centers for  
12 Disease Control and Prevention's Epi Info or another data tracking  
13 program selected by the department in accordance with executive  
14 commissioner rules. The risk assessment ~~[the]~~ records are open for  
15 inspection by the department ~~[office]~~ or the local health  
16 department.

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

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

25 (d) The person performing the risk assessment ~~[screening]~~  
26 shall send a report indicating that an individual may be at risk for  
27 developing Type 2 diabetes ~~[have acanthosis nigricans]~~ to the

1 individual or, if the individual is a minor, the minor's parent,  
2 managing conservator, or guardian. The report must include:

3 (1) an explanation of :

4 (A) the process for assessing risk for developing  
5 Type 2 diabetes;

6 (B) the body mass index;

7 (C) the risk factors associated with developing  
8 Type 2 diabetes; and

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

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

15 (3) instructions to help the individual or family  
16 receive evaluation and intervention by the school district or by a  
17 physician or health care provider.

18 (e) Each school shall submit to the department ~~[office]~~ an  
19 annual report on the risk assessment ~~[screening]~~ status of the  
20 individuals in attendance during the reporting year and shall  
21 include in the report any other information required by the  
22 department ~~[office]~~.

23 (f) The annual report required under Subsection (e) must be  
24 compiled from the information entered into the data tracking  
25 program and be on a form prescribed by the department in accordance  
26 with ~~[executive council and must be submitted according to]~~ the  
27 executive commissioner's ~~[council's]~~ rules.

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

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

9       SECTION 4. Chapter 95, Health and Safety Code, as added by  
10 Chapter 1465, Acts of the 77th Legislature, Regular Session, 2001,  
11 is amended by adding Sections 95.005 and 95.006 to read as follows:

12       Sec. 95.005. ADVISORY COUNCIL. (a) The department shall  
13 establish the Type 2 Diabetes Risk Assessment Program Advisory  
14 Council to advise the department on the Type 2 diabetes risk  
15 assessment program conducted under this chapter.

16       (b) The advisory council is composed of:

17               (1) the following representatives appointed by the  
18 executive head of the agency, organization, or school the  
19 representative serves:

20                       (A) one representative of the Texas Diabetes  
21 Council;

22                       (B) one representative of the department;

23                       (C) one representative of the Texas Education  
24 Agency;

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

27                       (E) one representative of the Texas Medical

1 Association;

2 (F) one representative of the Texas Pediatric

3 Society;

4 (G) one representative of the American Heart

5 Association;

6 (H) one representative of the American Diabetes

7 Association;

8 (I) one school nurse representative from a rural

9 school selected by the department; and

10 (J) one school nurse representative from an urban

11 school selected by the department; and

12 (2) one parent or guardian of a child in this state  
13 with Type 2 diabetes, appointed by the Texas Diabetes Council.

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

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

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

25 Sec. 95.006. ADVISORY COUNCIL DUTIES. The advisory council  
26 shall:

27 (1) recommend the person who should be responsible for



1 conducting risk assessment activities under this chapter for  
2 schools that do not employ a school nurse;

3 (2) advise the department on the age groups that would  
4 benefit most from the risk assessment activities under this  
5 chapter;

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

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

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

20 SECTION 5. (a) As early as possible after the effective  
21 date of this Act, the executive head of the following entities shall  
22 appoint a representative to serve on the Type 2 Diabetes Risk  
23 Assessment Program Advisory Council created under Section 95.005,  
24 Health and Safety Code, as added by this Act:

25 (1) the Texas Diabetes Council;

26 (2) the Department of State Health Services;

27 (3) the Texas Education Agency;

- 1           (4) the Texas Medical Association;  
2           (5) the Texas Pediatric Society;  
3           (6) the American Heart Association;  
4           (7) the American Diabetes Association;  
5           (8) the institutions of higher education selected by  
6 the Department of State Health Services for this purpose; and  
7           (9) 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 Council 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 Risk Assessment Program Advisory Council  
13 created under Section 95.005, Health and Safety Code, as added by  
14 this Act.

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

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