

1-1 By: Lucio, Madla S.B. No. 1239
1-2 (In the Senate - Filed March 9, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Education; March 31, 2005,
1-4 rereferred to Committee on Health and Human Services;
1-5 April 22, 2005, reported adversely, with favorable Committee
1-6 Substitute by the following vote: Yeas 8, Nays 0; April 22, 2005,
1-7 sent to printer.)

1-8 COMMITTEE SUBSTITUTE FOR S.B. No. 1239 By: Lindsay

1-9 A BILL TO BE ENTITLED
1-10 AN ACT

1-11 relating to a risk assessment program for Type 2 diabetes and the
1-12 creation of the Type 2 Diabetes Risk Assessment Program Advisory
1-13 Committee.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. The heading to Chapter 95, Health and Safety
1-16 Code, as added by Chapter 1465, Acts of the 77th Legislature,
1-17 Regular Session, 2001, is amended to read as follows:

1-18 CHAPTER 95. RISK ASSESSMENT FOR TYPE 2 DIABETES
1-19 ~~[ACANTHOSIS NIGRICANS SCREENING]~~

1-20 SECTION 2. Subdivision (2), Section 95.001, Health and
1-21 Safety Code, as added by Chapter 1465, Acts of the 77th Legislature,
1-22 Regular Session, 2001, is amended to read as follows:

1-23 (2) "Department" means the Department of State Health
1-24 Services ~~["Executive council" means the executive council advising
1-25 the Texas-Mexico Border Health Coordination Office of The
1-26 University of Texas-Pan American].~~

1-27 SECTION 3. Sections 95.002, 95.003, and 95.004, Health and
1-28 Safety Code, as added by Chapter 1465, Acts of the 77th Legislature,
1-29 Regular Session, 2001, are amended to read as follows:

1-30 Sec. 95.002. TYPE 2 DIABETES ~~[ACANTHOSIS NIGRICANS]~~
1-31 EDUCATION AND RISK ASSESSMENT PROGRAM ~~[SCREENING PROJECT].~~

1-32 (a) The department ~~[office]~~ shall administer a risk assessment
1-33 program for Type 2 diabetes ~~[an acanthosis nigricans screening
1-34 program]~~ in accordance with this chapter. To administer the risk
1-35 assessment program, the department may contract with one or more
1-36 institutions of higher education, such as the Texas-Mexico Border
1-37 Health Coordination Office of The University of Texas--Pan American
1-38 or the Texas Tech University Health Sciences Center, and may assign
1-39 to an institution under a contract any duty required by this
1-40 chapter.

1-41 (b) The department ~~[executive council by rule]~~ shall
1-42 coordinate the risk assessment for Type 2 diabetes [screening] of
1-43 individuals who attend public or private schools located in Texas
1-44 Education Agency Regional Education Service Centers 1, 2, 3, 4, 10,
1-45 11, 13, 15, 18, 19, and 20 and in additional regional education
1-46 service centers as funding is available.

1-47 (c) The department shall establish the [rules must include]
1-48 procedures necessary to administer the risk assessment program,
1-49 including procedures that require each school to record and report
1-50 risk assessment [screening] activities using:

1-51 (1) the Centers for Disease Control and Prevention's
1-52 Epi Info or similar surveillance software selected by the
1-53 department; or

1-54 (2) an existing database used to administer and track
1-55 risk assessment data.

1-56 (d) The department ~~[office]~~ shall require a risk assessment
1-57 for Type 2 diabetes ~~[acanthosis nigricans screening]~~ to be
1-58 performed at the same time hearing and vision screening is
1-59 performed under Chapter 36 or spinal screening is performed under
1-60 Chapter 37. The risk assessment for Type 2 diabetes should:

1-61 (1) identify students with a body mass index above the
1-62 normal range; and

1-63 (2) further assess students identified under

2-1 Subdivision (1) for acanthosis nigricans and elevated blood
 2-2 pressure.

2-3 (e) The department [office] may:

2-4 (1) coordinate the risk assessment for Type 2 diabetes
 2-5 [acanthosis nigricans screening] activities of school districts,
 2-6 private schools, state agencies, volunteer organizations,
 2-7 universities, and other entities so that the efforts of each entity
 2-8 are complementary and not fragmented and duplicative; and

2-9 (2) [. The office may] provide technical assistance
 2-10 to those entities in developing risk assessment [screening]
 2-11 programs.

2-12 (f) The department shall:

2-13 (1) [and may] provide educational and other material
 2-14 to assist local risk assessment [screening] activities;

2-15 (2) [. (f) The office shall] monitor the quality of
 2-16 risk assessment [screening] activities provided under this
 2-17 chapter; and

2-18 (3) consult with the Board of Nurse Examiners to
 2-19 determine the training requirements necessary for a nurse or other
 2-20 person to conduct risk assessment activities under this chapter.

2-21 (g) The department shall periodically provide information
 2-22 on obesity, Type 2 diabetes, and related conditions to physicians.

2-23 Sec. 95.003. COMPLIANCE WITH RISK ASSESSMENT [SCREENING]
 2-24 REQUIREMENTS. (a) Each individual required by rules adopted under
 2-25 this chapter to be assessed [screened] shall undergo approved risk
 2-26 assessment [screening] for Type 2 diabetes [acanthosis nigricans].
 2-27 The individual shall comply with the requirements as soon as
 2-28 possible after the individual's admission to a school and as
 2-29 required by rule. The individual or, if the individual is a minor,
 2-30 the minor's parent, managing conservator, or guardian may
 2-31 substitute a professional examination for the risk assessment
 2-32 [screening].

2-33 (b) An individual is exempt from risk assessment
 2-34 [screening] if risk assessment [screening] conflicts with the
 2-35 tenets and practices of a recognized church or religious
 2-36 denomination of which the individual is an adherent or a member. To
 2-37 qualify for the exemption, the individual or, if the individual is a
 2-38 minor, the individual's parent, managing conservator, or guardian
 2-39 must submit to the chief administrator of the school on or before
 2-40 the day of the risk assessment process [screening procedure] an
 2-41 affidavit stating the objections to the risk assessment
 2-42 [screening].

2-43 (c) The chief administrator of each school shall ensure that
 2-44 each individual admitted to the school complies with the risk
 2-45 assessment [screening] requirements set by the department
 2-46 [executive council] or submits an affidavit of exemption.

2-47 Sec. 95.004. RECORDS; REPORTS. (a) The chief
 2-48 administrator of each school shall maintain, on a form prescribed
 2-49 by the department, risk assessment [executive council, screening]
 2-50 records for each individual in attendance[7] and enter the risk
 2-51 assessment information for each individual on the Centers for
 2-52 Disease Control and Prevention's Epi Info or similar surveillance
 2-53 software selected by the department. The risk assessment [the]
 2-54 records are open for inspection by the department [office] or the
 2-55 local health department.

2-56 (b) The department [office] may, directly or through local
 2-57 health departments, enter a school and inspect records maintained
 2-58 by the school relating to risk assessment [screening] for Type 2
 2-59 diabetes [acanthosis nigricans].

2-60 (c) An individual's risk assessment [screening] records may
 2-61 be transferred among schools without the consent of the individual
 2-62 or, if the individual is a minor, the minor's parent, managing
 2-63 conservator, or guardian.

2-64 (d) The person performing the risk assessment [screening]
 2-65 shall send a report indicating that an individual may be at risk for
 2-66 developing Type 2 diabetes [have acanthosis nigricans] to the
 2-67 individual or, if the individual is a minor, the minor's parent,
 2-68 managing conservator, or guardian. The report must include:

2-69 (1) an explanation of:

3-1 (A) the process for assessing risk for developing
3-2 Type 2 diabetes;
3-3 (B) the body mass index;
3-4 (C) the risk factors associated with developing
3-5 Type 2 diabetes; and
3-6 (D) the reasons the individual was identified in
3-7 the risk assessment process as being at risk for developing Type 2
3-8 diabetes [~~acanthosis nigricans and related conditions~~];
3-9 (2) a statement concerning an individual's or family's
3-10 need for further evaluation for Type 2 diabetes and related [~~of~~]
3-11 conditions [~~related to acanthosis nigricans~~]; and
3-12 (3) instructions to help the individual or family
3-13 receive evaluation by a physician or other health care provider
3-14 [~~and intervention by the school district~~].
3-15 (e) Each school shall submit to the department [~~office~~] an
3-16 annual report on the risk assessment [~~screening~~] status of the
3-17 individuals in attendance during the reporting year and shall
3-18 include in the report any other information required by the
3-19 department [~~office~~].
3-20 (f) The annual report required under Subsection (e) must be
3-21 compiled from the information entered into the surveillance
3-22 software and be on a form prescribed by the department [~~executive~~
3-23 council and must be submitted according to the executive council's
3-24 rules].
3-25 (g) The department shall analyze and compile a summary of
3-26 the reports submitted by schools under Subsection (e) and make the
3-27 summary available to schools and the public on request.
3-28 (h) [~~(f)~~] Not later than January 15 of each odd-numbered
3-29 year, the department [~~office~~] shall submit to the governor and the
3-30 legislature a report concerning the effectiveness of the risk
3-31 assessment program for Type 2 diabetes [~~acanthosis nigricans~~
3-32 screening program] established by this chapter.
3-33 SECTION 4. Chapter 95, Health and Safety Code, as added by
3-34 Chapter 1465, Acts of the 77th Legislature, Regular Session, 2001,
3-35 is amended by adding Section 95.005 to read as follows:
3-36 Sec. 95.005. GIFTS AND GRANTS. The department may accept
3-37 gifts, grants, and donations to support the Type 2 diabetes risk
3-38 assessment program conducted under this chapter.
3-39 SECTION 5. Chapter 103, Health and Safety Code, is amended
3-40 by adding Section 103.0125 to read as follows:
3-41 Sec. 103.0125. TYPE 2 DIABETES RISK ASSESSMENT PROGRAM
3-42 ADVISORY COMMITTEE. (a) The council shall establish the Type 2
3-43 Diabetes Risk Assessment Program Advisory Committee to advise the
3-44 department on the Type 2 diabetes risk assessment program conducted
3-45 under Chapter 95.
3-46 (b) The advisory committee is composed of:
3-47 (1) the following representatives appointed by the
3-48 executive head of the agency, organization, school, or school
3-49 district the representative serves:
3-50 (A) one representative of the council;
3-51 (B) one representative of the department;
3-52 (C) one representative of the Texas Education
3-53 Agency;
3-54 (D) a representative from an institution of
3-55 higher education involved in Type 2 diabetes research selected by
3-56 the council;
3-57 (E) one representative of the Texas Medical
3-58 Association;
3-59 (F) one representative of the Texas Pediatric
3-60 Society;
3-61 (G) one representative of the American Heart
3-62 Association;
3-63 (H) one representative of the American Diabetes
3-64 Association;
3-65 (I) one school district administrator
3-66 representative from a school district selected by the council;
3-67 (J) one school nurse representative from a rural
3-68 school selected by the council; and
3-69 (K) one school nurse representative from an urban

4-1 school selected by the council; and
4-2 (2) one parent or guardian of a child in this state
4-3 with Type 2 diabetes, appointed by the council.

4-4 (c) A person may not be a member of the advisory committee if
4-5 the person is required to register as a lobbyist under Chapter 305,
4-6 Government Code, because of the person's activities for
4-7 compensation on behalf of a health care profession or related
4-8 business or another profession related to the operation of the
4-9 council.

4-10 (d) The representative of the council appointed under
4-11 Subsection (b)(1)(A) shall serve as the presiding officer of the
4-12 advisory committee.

4-13 (e) Chapter 2110, Government Code, does not apply to the
4-14 size, composition, or duration of the advisory committee.

4-15 (f) The advisory committee shall:

4-16 (1) recommend the person who should be responsible for
4-17 conducting risk assessment activities under Chapter 95 for schools
4-18 that do not employ a school nurse;

4-19 (2) advise the department on the age groups that would
4-20 benefit most from the risk assessment activities under Chapter 95;

4-21 (3) recommend a method to record and report the number
4-22 of children who are identified in the risk assessment process as
4-23 being at risk for having or developing Type 2 diabetes and who
4-24 qualify for the national free or reduced-price lunch program
4-25 established under 42 U.S.C. Section 1751 et seq.;

4-26 (4) recommend a timeline for the department to
4-27 implement the advisory committee's recommended risk assessment
4-28 activities, surveillance methods, reports, and quality
4-29 improvements; and

4-30 (5) contribute to the state plan for diabetes
4-31 treatment developed by the council under Section 103.013 by
4-32 providing statistics and information on the risk assessment
4-33 activities conducted under Chapter 95 and recommendations for
4-34 assisting children in this state at risk for developing Type 2
4-35 diabetes.

4-36 SECTION 6. (a) As early as possible after the effective
4-37 date of this Act, the executive head of the following entities shall
4-38 appoint a representative to serve on the Type 2 Diabetes Risk
4-39 Assessment Program Advisory Committee created under Section
4-40 103.0125, Health and Safety Code, as added by this Act:

- 4-41 (1) the Texas Diabetes Council;
- 4-42 (2) the Department of State Health Services;
- 4-43 (3) the Texas Education Agency;
- 4-44 (4) the Texas Medical Association;
- 4-45 (5) the Texas Pediatric Society;
- 4-46 (6) the American Heart Association;
- 4-47 (7) the American Diabetes Association;
- 4-48 (8) the institution of higher education involved in
4-49 Type 2 diabetes research selected by the Texas Diabetes Council for
4-50 this purpose; and

4-51 (9) the schools and school district selected by the
4-52 Texas Diabetes Council for this purpose.

4-53 (b) As early as possible after the effective date of this
4-54 Act, the head of the Texas Diabetes Council shall appoint a parent
4-55 or guardian of a child in this state with Type 2 diabetes to serve on
4-56 the Type 2 Diabetes Risk Assessment Program Advisory Committee
4-57 created under Section 103.0125, Health and Safety Code, as added by
4-58 this Act.

4-59 SECTION 7. Subdivisions (3) and (6), Section 95.001, Health
4-60 and Safety Code, as added by Chapter 1465, Acts of the 77th
4-61 Legislature, Regular Session, 2001, are repealed.

4-62 SECTION 8. This Act takes effect September 1, 2005.

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