

BILL ANALYSIS

S.B. 415
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Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The incidence of Type 2 diabetes is growing near epidemic levels in children, with children as young as elementary and middle school ages developing risk factors for this disease. The Institute of Medicine of the National Academies of Science reports that individuals born in the United States in 2000 face a lifetime risk of being diagnosed with diabetes at some point in their lives estimated at 30 percent for boys and 40 percent for girls at current obesity levels. The risk is even higher among ethnic minority groups; of Hispanic children born in 2000, about 50 percent are expected to become diabetic.

Currently, The University of Texas-Pan American administers the acanthosis nigricans (AN) screening program in certain elementary schools. S.B. 415 seeks to expand both the geography and scope of the program by altering the screening program.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

ANALYSIS

S.B. 415 renames Chapter 95, Health and Safety Code, as "RISK ASSESSMENT FOR TYPE 2 DIABETES" and deleting former title of ACANTHOSIS NIGRIGANS SCREENING. The reference to acanthosis nigricans screening is also deleted, as conforming change, throughout the chapter where it is appropriate.

S.B. 415 adds definitions for "Advisory committee", "Council", and updates the definition of "Office" by deleting reference to the "Texas Mexico Border Health Coordination Office of" in the original designation to form "The University of Texas-Pan American Border Health Office."

S.B. 415 amends the title of Section 95.002 by deleting and adding terms to create the title TYPE II DIABETES EDUCATION AND RISK ASSESSMENT PROGRAM. This section requires in (a) that the office (The University of Texas-Pan American Border Health Office) administer a risk assessment program for Type 2 diabetes in accordance with the chapter. It requires in (b) that office in (b), after reviewing recommendations made by the advisory committee, by rule to coordinate the risk assessment for Type 2 diabetes of who attend public or private schools located in certain specified state regional education service centers (centers) and to efficiently use existing funds or use other funding to fund additional centers. It also deletes terms and makes conforming changes. It add in (c) to the procedures necessary to administer that the risk assessment program, including procedures that require each school to record and report risk assessment activities using specified techniques. It, in (d), requires the office to require a risk assessment for Type 2 diabetes. Also makes conforming changes by deleting language. It adds that the risk assessment should identify students with acanthosis nigricans (AN); and further assess those with AN by determining a student's body mass index (BMI) and blood pressure. It permits the office in (e) to coordinate the risk assessment for Type 2 diabetes activities of various designated entities with the addition of universities to the list of entities and adds risk assessment to clarify the programs that office assists the entities in developing. It also makes conforming change. It requires the office in (f) to provide educational and other material to assist local risk assessment activities, monitor the quality of risk assessment activities under the chapter, and consult with the Board of Nurse Examiners to determine the training requirements necessary for a nurse or other person to conduct risk assessment activities under this chapter. It makes

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conforming changes. It requires the office in (g) to provide on the office's Internet website information on obesity, Type 2 diabetes, and related conditions to health care providers and update the information at least annually.

S.B. 415 amends the title of Section 95.003 to read as COMPLIANCE WITH RISK ASSESSMENT REQUIREMENTS. It makes conforming throughout this section, where it replaces the terms "screened", "screening", and "acanthosis nigricans" with the terms assessed, risk assessment, and Type 2 diabetes, respectively. It provides in (a) that the individual required by the rules to be assessed shall undergo an approved risk assessment for Type 2 diabetes. It also requires the individual comply with the requirements at a specified time and manner, and it also provides who may substitute a professional examination for the risk assessment. It makes the above described conforming changes in (b) which also provides individuals with specified exemptions from the risk assessment process. It requires in (c) the administrator of each school ensure their school enrollees comply with the risk assessment requirements set by the office.

S.B. 415 amends Section 95.004, RECORDS; REPORTS, by making conforming changes as previously described throughout this section, and this section also requires in (a) that the chief administrator maintain, on a form prescribed by the office, risk assessment records for each attendee and enter the risk assessment information for each individual on the surveillance software selected by the office. It also provides that risk assessment records are open to inspection by the office or the local health department. It allows, in (b), the office, directly or through local health departments, to enter and inspect records maintained by a school related to risk assessment for Type 2 diabetes. It allows in (c) transfer and sets out the way records may be transferred among schools. It provides in (d) that the person performing the risk assessment is required to send a report indicating that the individual may be at risk for developing Type 2 diabetes to the individual or if a minor, to the specified set of legally responsible parties. The report must include an explanation of the process for assessing risk for developing Types 2 diabetes, reasons individual was assessed for being at risk for the disease, the risk factors associated with the disease, and the individual's body mass index; a statement concerning an individual's or family's need for further evaluation; instructions to help the individual and or family receive evaluation from a physician or health care provider; and information on procedures for applying for the state child health plan program and the Medicaid program. It requires in (e) that each school submit an annual report related to risk assessment. It provides in (f) that the report required in (e) must meet certain specified requirements. It also provides in (g) that at the end of reporting period specified under (e) that office is required to meet certain specified reporting requirements. It requires the office in (g) to deliver to the chief administrator of each school and the school nurse or other specified party an annual summary complications of the reports submitted by schools under (e). Provides in (i) that not later than January 15 of each odd-numbered year, the office is required to submit to the governor and the legislature a report relating to the implementation and effectiveness of the Type 2 diabetes risk assessment program under the chapter that includes a detailed description of the expenses related to the program.

S.B. 415 amends Chapter 95 by adding specified Sections 95.005, GIFTS AND GRANTS, and Section 95.006, ADVISORY COMMITTEE.

S.B. 415 allows the office to accept gifts, grants, and donations to support the Type 2 diabetes risk assessment program conduct under this chapter.

S.B. 415 establishes the Type 2 Diabetes Risk Assessment Program Advisory Committee to advise the on the program conducted under the chapter, and it designates a list of representatives that may be appointed to the advisory committee by the executive commissioner and it also provides a list of representatives appointed by the chairman of the council. It also prohibits registered lobbyist, as defined in specified section of the Government Code, because their relationship to specified sets of activities.

S.B. 415 provides that a representative of the office appointed under a certain specified subsection is required to serve as the presiding officer of the advisory committee.

S.B. 415 requires the advisory committee to meet at least twice a year and at other times at the call of the presiding officer and it allows the advisory committee meet by teleconferencing, if an in-person meeting of all the members is not practicable.

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S.B. 415 bars advisory committee members from receiving compensation for their services to the committee, but it also entitles them to reimbursement for advisory committee business to extent that funds are available for that purpose.

S.B. 415 provides that a certain section of the Government Code does not apply to size, composition, or duration of the advisory committee.

S.B. 415 requires the advisory committee to recommend the person responsible for conducting risk assessment activities under the chapter for schools that do not employ a school nurse; advise the office on group that would benefit most from risk assessments; recommend a method to record and report the number of children identified at risk for having or developing Type 2 diabetes and who qualify for national free or reduced-price lunch program established under federal law; recommend a deadline, which may not be later than the first anniversary of the date the advisory committee submits a recommendation to the office under this section, by which the office shall implement the advisory committee's recommended risk assessment activities, surveillance methods, reports, and quality improvements; contribute to the state plan for diabetes treatment developed by the council under a specified code section by providing statistics and information on the risk assessment activities conducted under this chapter and recommendations for assisting children in this state at risk for developing Type 2 diabetes; and recommend any additional information to be included in the report required by Section 95.004.

S.B. 415 requires the advisory to submit to the office a report the recommendations developed under subsection (h) not later than September 1 of each even-numbered year. Requires the office, subject to that availability of funds, to implement each advisory committee recommendation concerning the Type 2 diabetes risk assessment program.

S.B. 415 defines "regional education service center" in this section to mean a Texas Education Agency Regional Education Service Center listed in specified section of the code.

S.B. 415 amends a specified subsection of the Education Code by making conforming changes by identifying The University of Texas-Pan American Border Health Office to administer the Type 2 Diabetes risk assessment program under the specified chapter.

S.B. 415 repeals certain specified subdivisions of the code.

S.B. 415 requires the executive director of The University of Texas-Pan American Border Health Office to appoint eight of the initial members of the Type 2 Diabetes Risk Assessment Program Advisory Committee as specified in the code.

EFFECTIVE DATE

September 1, 2007.