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S.B. No. 415

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, 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, is amended by adding Subdivisions (1-a) and (1-b) and amending Subdivision (3) to read as follows:

(1-a) "Advisory committee" means the Type 2 Diabetes Risk Assessment Program Advisory Committee established under Section 95.006.

(1-b) "Council" means the Texas Diabetes Council.

(3) "Office" means [~~the Texas-Mexico Border Health Coordination Office of~~] The University of Texas-Pan American Border Health Office.

SECTION 3. Sections 95.002, 95.003, and 95.004, Health and Safety Code, 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

1 2 diabetes [~~an acanthosis nigricans screening program~~] in  
2 accordance with this chapter.

3 (b) The office, after reviewing recommendations made by the  
4 advisory committee, [~~executive council~~] by rule shall coordinate  
5 the risk assessment for Type 2 diabetes [~~screening~~] of individuals  
6 who attend public or private schools located in Texas Education  
7 Agency Regional Education Service Centers 1, 2, 3, 4, 10, 11, 13,  
8 15, 18, 19, and 20 and, by using existing funding as efficiently as  
9 possible or by using other available funding, in additional  
10 regional education service centers.

11 (c) The rules must include procedures necessary to  
12 administer the risk assessment program, including procedures that  
13 require each school to record and report risk assessment  
14 [~~screening~~] activities using:

15 (1) an existing database used to administer and track  
16 risk assessment data; or

17 (2) widely accepted surveillance software selected by  
18 the office.

19 (d) The office shall require a risk assessment for Type 2  
20 diabetes [~~acanthosis nigricans screening~~] to be performed at the  
21 same time hearing and vision screening is performed under Chapter  
22 36 or spinal screening is performed under Chapter 37. The risk  
23 assessment for Type 2 diabetes should:

24 (1) identify students with acanthosis nigricans; and

25 (2) further assess students identified under  
26 Subdivision (1) to determine the students':

27 (A) body mass index; and

1                   (B) blood pressure.

2           (e) The office may:

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

8                   (2) [~~the office may~~] provide technical assistance  
9 to those entities in developing risk assessment ~~[screening]~~  
10 programs.

11           (f) The office shall:

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

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

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

20           (g) The office shall provide on the office's Internet  
21 website information on obesity, Type 2 diabetes, and related  
22 conditions to health care providers and update the information at  
23 least annually.

24           Sec. 95.003. COMPLIANCE WITH RISK ASSESSMENT ~~[SCREENING]~~  
25 REQUIREMENTS. (a) Each individual required by rules adopted under  
26 this chapter to be assessed ~~[screened]~~ shall undergo approved risk  
27 assessment ~~[screening]~~ for Type 2 diabetes ~~[acanthosis nigricans]~~.

1 The individual shall comply with the requirements as soon as  
2 possible after the individual's admission to a school and as  
3 required by rule. The individual or, if the individual is a minor,  
4 the minor's parent, managing conservator, or guardian may  
5 substitute a professional examination for the risk assessment  
6 ~~[screening]~~.

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

17 (c) The chief administrator of each school shall ensure that  
18 each individual admitted to the school complies with the risk  
19 assessment ~~[screening]~~ requirements set by the office ~~[executive~~  
20 ~~council]~~ or submits an affidavit of exemption.

21 Sec. 95.004. RECORDS; REPORTS. (a) The chief  
22 administrator of each school shall maintain, on a form prescribed  
23 by the office, risk assessment ~~[executive council, screening]~~  
24 records for each individual in attendance<sup>[7]</sup> and enter the risk  
25 assessment information for each individual on the surveillance  
26 software selected by the office. The risk assessment ~~[the]~~ records  
27 are open for inspection by the office or the local health

1 department.

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

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

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

15 (1) an explanation of:

16 (A) the process for assessing risk for developing  
17 Type 2 diabetes;

18 (B) the reasons the individual was identified in  
19 the risk assessment process as being at risk for developing Type 2  
20 diabetes;

21 (C) the risk factors associated with developing  
22 Type 2 diabetes; and

23 (D) the individual's body mass index [~~acanthosis~~  
24 ~~nigricans and related conditions~~];

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

1 (3) instructions to help the individual or family  
2 receive evaluation by a physician or other health care provider;  
3 and

4 (4) information on procedures for applying for the  
5 state child health plan program and the state Medicaid program [~~and~~  
6 ~~intervention by the school district~~].

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

11 (f) The report required under Subsection (e) must:

12 (1) be compiled from the information entered into the  
13 surveillance software;

14 (2) be on a form prescribed by the office; [~~executive~~  
15 ~~council~~] and

16 (3) [~~must~~] be submitted according to the timetable  
17 established by the office's [~~executive council's~~] rules.

18 (g) After the end of the reporting period under Subsection  
19 (e), the office shall:

20 (1) analyze and compile a summary of the reports  
21 submitted by schools during that reporting period;

22 (2) file a copy of the summary with the advisory  
23 committee; and

24 (3) post on an Internet website accessible to each  
25 school required to submit a report under Subsection (e):

26 (A) the number of students and the percentage of  
27 the student population identified by each of those schools during

1 the reporting period as at risk for Type 2 diabetes; and

2 (B) comparison data and analyses regarding the  
3 information required to be reported under that subsection.

4 (h) The office shall deliver to the chief administrator of  
5 each school and the school nurse or other person responsible for  
6 conducting risk assessment activities for the school under this  
7 chapter an annual summary compilation of the reports submitted by  
8 schools under Subsection (e).

9 (i) [(f)] Not later than January 15 of each odd-numbered  
10 year, the office shall submit to the governor and the legislature a  
11 report relating to [concerning] the implementation and  
12 effectiveness of the Type 2 diabetes risk assessment [acanthosis  
13 nigricans screening] program established by this chapter that  
14 includes a detailed description of the expenses related to the  
15 program.

16 SECTION 4. Chapter 95, Health and Safety Code, is amended by  
17 adding Sections 95.005 and 95.006 to read as follows:

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

21 Sec. 95.006. ADVISORY COMMITTEE. (a) The Type 2 Diabetes  
22 Risk Assessment Program Advisory Committee is established to advise  
23 the office on the Type 2 diabetes risk assessment program conducted  
24 under this chapter.

25 (b) The advisory committee is composed of:

26 (1) the following representatives appointed by the  
27 executive director of the office:

- 1           (A) one representative of the office;  
2           (B) one representative of the Texas Education  
3 Agency;  
4           (C) one representative of the Texas Pediatric  
5 Society;  
6           (D) one representative of the American Diabetes  
7 Association;  
8           (E) one representative who is a member of the  
9 board of regents of The University of Texas-Pan American;  
10           (F) one school nurse representative from an urban  
11 school located within the boundaries of a regional education  
12 service center;  
13           (G) one parent or guardian of a child who resides  
14 within the boundaries of a regional education service center; and  
15           (H) one person with knowledge and experience in  
16 health care in school settings; and  
17           (2) the following representatives appointed by the  
18 chairman of the council:  
19           (A) one representative of the council;  
20           (B) one representative of the Texas Medical  
21 Association;  
22           (C) one school district administrator  
23 representative from a school district located within the boundaries  
24 of a regional education service center;  
25           (D) one school principal representative from a  
26 school district located within the boundaries of a regional  
27 education service center; and



1           (E) one school nurse representative from a rural  
2 school located within the boundaries of a regional education  
3 service center.

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

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

13          (e) The advisory committee shall meet at least twice a year  
14 and at other times at the call of the presiding officer. The  
15 advisory committee may meet by teleconference if an in-person  
16 meeting of all the members is not practicable.

17          (f) Members of the advisory committee may not receive  
18 compensation for service on the committee. An advisory committee  
19 member is entitled to reimbursement of travel expenses incurred by  
20 the member while conducting the business of the advisory committee  
21 to the extent that funds are available to the office for that  
22 purpose.

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

25          (h) The advisory committee shall:

26                 (1) recommend the person who should be responsible for  
27 conducting risk assessment activities under this chapter for

1 schools that do not employ a school nurse;

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

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

10 (4) recommend a deadline, which may not be later than  
11 the first anniversary of the date the advisory committee submits a  
12 recommendation to the office under this section, by which the  
13 office shall implement the advisory committee's recommended risk  
14 assessment activities, surveillance methods, reports, and quality  
15 improvements;

16 (5) contribute to the state plan for diabetes  
17 treatment developed by the council under Section 103.013 by  
18 providing statistics and information on the risk assessment  
19 activities conducted under this chapter and recommendations for  
20 assisting children in this state at risk for developing Type 2  
21 diabetes; and

22 (6) recommend any additional information to be  
23 included in the report required by Section 95.004.

24 (i) The advisory committee shall submit to the office a  
25 report of the recommendations developed under Subsection (h) not  
26 later than September 1 of each even-numbered year. The office,  
27 subject to the availability of funds, shall implement each advisory

1 committee recommendation concerning the Type 2 diabetes risk  
2 assessment program.

3 (j) In this section, "regional education service center"  
4 means a Texas Education Agency Regional Education Service Center  
5 listed in Section 95.002(b).

6 SECTION 5. Subsection (h), Section 110.15, Education Code,  
7 is amended to read as follows:

8 (h) In conducting its activities under this section, the  
9 center shall consult with [~~the Texas-Mexico Border Health~~  
10 ~~Coordination Office of~~] The University of Texas-Pan American Border  
11 Health Office that administers the Type 2 Diabetes risk assessment  
12 [~~an acanthosis nigricans screening~~] program under Chapter 95,  
13 Health and Safety Code.

14 SECTION 6. Subdivisions (2) and (6), Section 95.001, Health  
15 and Safety Code, are repealed.

16 SECTION 7. (a) As soon as practicable after the effective  
17 date of this Act, the executive director of The University of  
18 Texas--Pan American Border Health Office shall appoint eight of the  
19 initial members of the Type 2 Diabetes Risk Assessment Program  
20 Advisory Committee in accordance with Subdivision (1), Subsection  
21 (b), Section 95.006, Health and Safety Code, as added by this Act.

22 (b) As soon as practicable after the effective date of this  
23 Act, the chairman of the Texas Diabetes Council shall appoint five  
24 of the initial members of the Type 2 Diabetes Risk Assessment  
25 Program Advisory Committee in accordance with Subdivision (2),  
26 Subsection (b), Section 95.006, Health and Safety Code, as added by  
27 this Act.

1 SECTION 8. This Act takes effect September 1, 2007.