

By: Lucio

S.B. No. 415

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a risk assessment program for Type 2 diabetes and the
3 creation of the Type 2 Diabetes Risk Assessment Program Advisory
4 Committee.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. The heading to Chapter 95, Health and Safety
7 Code, is amended to read as follows:

8 CHAPTER 95. RISK ASSESSMENT FOR TYPE 2 DIABETES [~~ACANTHOSIS~~
9 ~~NIGRICANS SCREENING~~]

10 SECTION 2. Section 95.001, Health and Safety Code, is
11 amended by adding Subdivisions (1-a) and (1-b) and amending
12 Subdivision (3) to read as follows:

13 (1-a) "Advisory committee" means the Type 2 Diabetes
14 Risk Assessment Program Advisory Committee established under
15 Section 95.006.

16 (1-b) "Council" means the Texas Diabetes Council.

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

20 SECTION 3. Sections 95.002, 95.003, and 95.004, Health and
21 Safety Code, are amended to read as follows:

22 Sec. 95.002. TYPE 2 DIABETES [~~ACANTHOSIS~~ ~~NIGRICANS~~]
23 EDUCATION AND RISK ASSESSMENT PROGRAM [~~SCREENING PROJECT~~]. (a)
24 The office shall administer a risk assessment program for Type 2

1 diabetes [~~an acanthosis nigricans screening program~~] in accordance
2 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) determine students' body mass index; and

25 (2) further assess students determined to have a body
26 mass index above the normal range for acanthosis nigricans and
27 elevated blood pressure.

1 (e) The office may:

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

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

10 (f) The office shall:

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

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

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

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

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

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

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

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

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

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

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

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

14 (1) an explanation of:

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

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

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

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

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

27 (3) instructions to help the individual or family

1 receive evaluation by a physician or other health care provider
2 [~~and intervention by the school district~~].

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

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

8 (1) be compiled from the information entered into the
9 surveillance software;

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

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

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

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

18 (2) file a copy of the summary with the advisory
19 committee; and

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

22 (A) the number of students and the percentage of
23 the student population identified by each of those schools during
24 the reporting period as at risk for Type 2 diabetes; and

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

27 (h) The office shall deliver to the chief administrator of

1 each school and the school nurse or other person responsible for
2 conducting risk assessment activities for the school under this
3 chapter an annual summary compilation of the reports submitted by
4 schools under Subsection (e).

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

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

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

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

21 (b) The advisory committee is composed of:

22 (1) the following representatives appointed by the
23 executive director of the office:

24 (A) one representative of the office;

25 (B) one representative of the Texas Education
26 Agency;

27 (C) one representative of the Texas Pediatric

1 Society;

2 (D) one representative of the American Diabetes
3 Association;

4 (E) one representative who is a member of the
5 board of regents of The University of Texas-Pan American;

6 (F) one school nurse representative from an urban
7 school located within the boundaries of a regional education
8 service center;

9 (G) one parent or guardian of a child who resides
10 within the boundaries of a regional education service center; and

11 (H) one person with knowledge and experience in
12 health care in school settings; and

13 (2) the following representatives appointed by the
14 chairman of the council:

15 (A) one representative of the council;

16 (B) one representative of the Texas Medical
17 Association;

18 (C) one school district administrator
19 representative from a school district located within the boundaries
20 of a regional education service center;

21 (D) one school principal representative from a
22 school district located within the boundaries of a regional
23 education service center; and

24 (E) one school nurse representative from a rural
25 school located within the boundaries of a regional education
26 service center.

27 (c) A person may not be a member of the advisory committee if

1 the person is required to register as a lobbyist under Chapter 305,
2 Government Code, because of the person's activities for
3 compensation on behalf of a health care profession or related
4 business or another profession related to the operation of the
5 council.

6 (d) The representative of the office appointed under
7 Subsection (b)(1)(A) shall serve as the presiding officer of the
8 advisory committee.

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

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

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

20 (h) The advisory committee shall:

21 (1) recommend the person who should be responsible for
22 conducting risk assessment activities under this chapter for
23 schools that do not employ a school nurse;

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

27 (3) recommend a method to record and report the number

1 of children who are identified in the risk assessment process as
2 being at risk for having or developing Type 2 diabetes and who
3 qualify for the national free or reduced-price lunch program
4 established under 42 U.S.C. Section 1751 et seq.;

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

11 (5) contribute to the state plan for diabetes
12 treatment developed by the council under Section 103.013 by
13 providing statistics and information on the risk assessment
14 activities conducted under this chapter and recommendations for
15 assisting children in this state at risk for developing Type 2
16 diabetes; and

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

19 (i) The advisory committee shall submit to the office a
20 report of the recommendations developed under Subsection (h) not
21 later than September 1 of each even-numbered year. The office,
22 subject to the availability of funds, shall implement each advisory
23 committee recommendation concerning the Type 2 diabetes risk
24 assessment program.

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

1 SECTION 5. Section 110.15(h), Education Code, is amended to
2 read as follows:

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

9 SECTION 6. Sections 95.001(2) and (6), Health and Safety
10 Code, are repealed.

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

17 (b) As soon as practicable after the effective date of this
18 Act, the chairman of the Texas Diabetes Council shall appoint five
19 of the initial members of the Type 2 Diabetes Risk Assessment
20 Program Advisory Committee in accordance with Section
21 95.006(b)(2), Health and Safety Code, as added by this Act.

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