

BILL ANALYSIS

S.B. 504
By: Deuell
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law requires the Department of State Health Services, in cooperation with the Texas Education Agency, to establish a program to detect abnormal spinal curvature in children. Interested parties note that the U.S. Preventative Services Task Force has recommended against the routine screening of asymptomatic adolescents for idiopathic scoliosis in part due to false positive results causing unnecessary follow-up visits and evaluations. Moreover, according to the parties, many school nurses and local health providers believe mass screenings to be ineffective, with few students receiving an intervention other than observation.

S.B. 504 seeks to address this issue by amending statutory provisions relating to the requirement that certain schoolchildren be screened for abnormal spinal curvature.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 of this bill.

ANALYSIS

Section 531.0055, Government Code, as amended by Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, expressly grants to the executive commissioner of the Health and Human Services Commission (HHSC) all rulemaking authority for the operation of and provision of services by the health and human services agencies. Similarly, Sections 1.16-1.29, Chapter 198 (H.B. 2292), Acts of the 78th Legislature, Regular Session, 2003, provide for the transfer of a power, duty, function, program, or activity from a health and human services agency abolished by that act to the corresponding legacy agency. To the extent practical, this bill analysis is written to reflect any transfer of rulemaking authority and to update references as necessary to an agency's authority with respect to a particular health and human services program.

S.B. 504 amends the Health and Safety Code to require the executive commissioner of HHSC, in cooperation with the Texas Education Agency (TEA) and with regard to the screening program for abnormal spinal curvature in children, to adopt rules requiring each public school to choose either to participate in the spinal screening program for children in grades 6 and 9 attending the public school or to provide information developed by the Department of State Health Services (DSHS) on abnormal spinal curvature to the parents, managing conservators, or guardians of children in grades 6 through 9 attending the public school. The bill removes a provision requiring DSHS to adopt rules for the mandatory spinal screening of children in those grades attending public or private schools. The bill requires the executive commissioner to adopt substantive and procedural rules necessary for the development and provision of information on abnormal spinal curvature and requires DSHS to develop such information not later than March 1, 2014. The bill requires the chief administrator of a school, if an individual is exempt from screening because the screening conflicts with the tenets and practices of a recognized church or religious denomination of which the individual is an adherent or a member, to make the

information on abnormal spinal curvature available to the exempted individual's parent, managing conservator, or guardian. The bill's provisions apply beginning with the 2014-2015 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.