

## **BILL ANALYSIS**

Senate Research Center  
85R13863 JG-D

H.B. 1076  
By: Oliverson et al. (Huffines)  
Health & Human Services  
5/8/2017  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Over the course of 30 years we have come far in medical procedure the world round. Unfortunately, our schools still abide by the same standards for spinal screenings of yesteryear. Valuable new studies show that requiring screenings based on age rather than grade are much more effective in catching scoliosis.

H.B. 1076 seeks to allow the executive commissioner of the Health and Human Services Commission discretion to adjust the requirements in accordance with the prevalent science relating to the optimal ages at which scoliosis screening should be performed. Currently Texas law says that a person may be exempted for religious purposes. Therefore, Section 2 of H.B. 1076 would allow for parental discretion and notification of any and all spinal screenings.

H.B. 1076 amends current law relating to the mandatory spinal screening of public and private school students.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission (executive commissioner) in SECTION 1 (Section 37.001, Health and Safety Code) of this bill.

Rulemaking authority previously granted to the executive commissioner is modified in SECTION 1 (Section 37.001, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 37.001, Health and Safety Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner), in cooperation with the Texas Education Agency (TEA), to adopt rules for the mandatory spinal screening of children, rather than children in grades 6 and 9, attending public or private schools. Requires the executive commissioner, in adopting rules under this subsection, to consider the most recent nationally accepted and peer-reviewed scientific research in determining the appropriate ages for conducting the spinal screening.

(b-1) Requires the executive commissioner, in cooperation with TEA, by rule, to develop a process to notify a parent, managing conservator, or guardian of:

(1) the screening requirement;

(2) the purposes of and reasons for the screening requirement, including prevention of painful scoliosis correction surgery and medical risks to the child if screening is declined;

(3) the noninvasive nature of the method used to conduct the screening; and

(4) the method for declining to comply with the screening requirement through the use of an exemption described by Section 37.002(b) (relating to certain circumstances under which an individual is exempt from spinal screening).

SECTION 2. (a) Requires the executive commissioner to adopt rules under Section 37.001, Health and Safety Code, as amended by this Act, not later than January 1, 2018.

(b) Provides that this Act applies beginning with the 2018-2019 school year

SECTION 3. Effective date: September 1, 2017.