

BILL ANALYSIS

C.S.H.B. 1076
By: Oliverson
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties suggest that the required spinal screening of public and private school students specifically in grades 6 and 9 is no longer supported by current medical best practices and does not allow for adaptation to changes that may result from future research. C.S.H.B. 1076 seeks to allow greater flexibility in and awareness of the mandatory spinal screening by instead requiring the determination of appropriate ages for such screening to be made in consideration of the most recent nationally accepted and peer-reviewed scientific research and providing for notification relating to the screening.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 1076 amends the Health and Safety Code to remove from the requirement that the executive commissioner of the Health and Human Services Commission adopt rules for the mandatory spinal screening of children attending public or private schools the specification that the children to which the requirement applies are in grades 6 and 9. The bill requires the executive commissioner, in adopting the rules, to consider the most recent nationally accepted and peer-reviewed scientific research in determining the appropriate ages for the screening and, in cooperation with the Texas Education Agency, to develop by rule a process to notify a parent, managing conservator, or guardian of the screening requirement, the purposes of and reasons for the requirement, the noninvasive nature of the method used to conduct the screening, and the method for declining to comply with the requirement through the use of an exemption relating to a conflict with the tenets and practices of a recognized church or religious denomination. The bill requires the executive commissioner to adopt the rules not later than January 1, 2018. The bill applies beginning with the 2018-2019 school year.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1076 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial

differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 37.001(b), Health and Safety Code, is amended to read as follows:

(b) The executive commissioner, in cooperation with the Texas Education Agency, shall adopt rules for the mandatory spinal screening of children [~~in grades 6 and 9~~] attending public or private schools. In adopting rules under this subsection, the executive commissioner shall consider the most recent nationally accepted and peer-reviewed scientific research in determining the appropriate ages for conducting the spinal screening. The department shall coordinate the spinal screening program with any other screening program conducted by the department on those children.

SECTION 2. (a) The executive commissioner of the Health and Human Services Commission shall adopt rules under Section 37.001(b), Health and Safety Code, as amended by this Act, not later than January 1, 2018.

(b) This Act applies beginning with the 2018-2019 school year.

SECTION 3. This Act takes effect September 1, 2017.

HOUSE COMMITTEE SUBSTITUTE

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

(b) The executive commissioner, in cooperation with the Texas Education Agency, shall adopt rules for the mandatory spinal screening of children [~~in grades 6 and 9~~] attending public or private schools. In adopting rules under this subsection, the executive commissioner shall consider the most recent nationally accepted and peer-reviewed scientific research in determining the appropriate ages for conducting the spinal screening. The department shall coordinate the spinal screening program with any other screening program conducted by the department on those children.

(b-1) The executive commissioner, in cooperation with the Texas Education Agency, by rule shall 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).

SECTION 2. (a) The executive commissioner of the Health and Human Services Commission shall adopt rules under Section 37.001, Health and Safety Code, as amended by this Act, not later than January 1, 2018.

(b) This Act applies beginning with the 2018-2019 school year.

SECTION 3. Same as introduced version.