

SENATE AMENDMENTS

2nd Printing

By: Huberty, Cain, Ashby,
González of El Paso, Bohac

H.B. No. 76

A BILL TO BE ENTITLED

AN ACT

relating to cardiac assessments of high school participants in
extracurricular athletic activities sponsored or sanctioned by the
University Interscholastic League.

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

SECTION 1. Subchapter D, Chapter 33, Education Code, is
amended by adding Section 33.096 to read as follows:

Sec. 33.096. CARDIAC ASSESSMENTS OF HIGH SCHOOL
PARTICIPANTS IN EXTRACURRICULAR ATHLETIC ACTIVITIES. (a) A school
district must provide a district student, who is required under
University Interscholastic League rule or policy to receive a
physical examination before being allowed to participate in an
athletic activity sponsored or sanctioned by the University
Interscholastic League, the following:

(1) information about sudden cardiac arrest and
electrocardiogram testing; and

(2) notification of the option of the student to
request the administration of an electrocardiogram, in addition to
the physical examination.

(b) A student may request an electrocardiogram from any
appropriately licensed health care professional whose scope of
practice includes the administration and review of
electrocardiograms, including the student's patient-centered
medical home, as defined by Section 533.0029, Government Code, a

health care professional provided through a school district program, or another health care professional chosen by the parent or person standing in parental relation to the student.

(c) The University Interscholastic League shall adopt rules as necessary to administer this section.

(d) The rules adopted under Subsection (c) must include:

(1) criteria under which a school district may request an exemption from the requirements of Subsection (a);

(2) variances that allow for a delay of the implementation of the requirement to notify students of the option to receive an electrocardiogram under this section;

(3) procedures to ensure students receiving the required annual physical examination are notified of the option to receive an electrocardiogram; and

(4) provisions to ensure that the requirements under this section are minimum standards that provide a school district with the option to implement a program that exceeds the standards required by this section.

(e) This section does not create a cause of action or liability or a standard of care, obligation, or duty that provides a basis for a cause of action or liability against an appropriately licensed or certified health care professional, the University Interscholastic League, a school district, or a district officer or employee for:

(1) the injury or death of a student participating in or practicing for an athletic activity sponsored or sanctioned by the University Interscholastic League based on or in connection

1 with the administration or evaluation of or reliance on an
2 electrocardiogram; or

3 (2) the content or distribution of the information
4 required under Subsection (a) or the failure to distribute the
5 required information under this section.

6 SECTION 2. This Act applies beginning with the 2019-2020
7 school year.

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2019.

ADOPTED

MAY 20 2019

Leta Spaw
Secretary of the Senate

By: _____

____.B. No. _____

Substitute the following for ____B. No. _____:

By: _____

C.S. ____B. No. _____

A BILL TO BE ENTITLED

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

SECTION 1. Subchapter D, Chapter 33, Education Code, is amended by adding Section 33.096 to read as follows:

Sec. 33.096. CARDIAC ASSESSMENTS OF HIGH SCHOOL PARTICIPANTS IN EXTRACURRICULAR ATHLETIC ACTIVITIES. (a) A school district must provide a district student, who is required under University Interscholastic League rule or policy to receive a physical examination before being allowed to participate in an athletic activity sponsored or sanctioned by the University Interscholastic League, the following:

(1) information about sudden cardiac arrest and electrocardiogram testing; and

(2) notification of the option of the student to request the administration of an electrocardiogram, in addition to the physical examination.

(b) A student may request an electrocardiogram from any health care professional, including a health care professional provided through the student's patient-centered medical home, as defined by Section 533.0029, Government Code, a health care professional provided through a school district program, or another

1 health care professional chosen by the parent or person standing in
2 parental relation to the student, provided that the health care
3 professional is:

4 (1) appropriately licensed in this state; and

5 (2) authorized to administer and interpret
6 electrocardiograms under the health care professional's scope of
7 practice, as established by the applicable licensing provisions or
8 other laws of this state.

9 (c) The University Interscholastic League shall adopt rules
10 as necessary to administer this section.

11 (d) The rules adopted under Subsection (c) must include:

12 (1) criteria under which a school district may request
13 an exemption from the requirements of Subsection (a);

14 (2) variances that allow for a delay of the
15 implementation of the requirement to notify students of the option
16 to request an electrocardiogram under this section;

17 (3) procedures to ensure students receiving the
18 required annual physical examination are notified of the option to
19 request an electrocardiogram; and

20 (4) provisions to ensure that the requirements under
21 this section are minimum standards that provide a school district
22 with the option to implement a program that exceeds the standards
23 required by this section.

24 (e) This section does not create a cause of action or
25 liability or a standard of care, obligation, or duty that provides a
26 basis for a cause of action or liability against a health care
27 professional described by Subsection (b), the University

1 Interscholastic League, a school district, or a district officer or
2 employee for:

3 (1) the injury or death of a student participating in
4 or practicing for an athletic activity sponsored or sanctioned by
5 the University Interscholastic League based on or in connection
6 with the administration or interpretation of or reliance on an
7 electrocardiogram; or

8 (2) the content or distribution of the information
9 required under Subsection (a) or the failure to distribute the
10 required information under this section.

11 SECTION 2. This Act applies beginning with the 2019-2020
12 school year.

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2019.

ADOPTED

MAY 20 2019

FLOOR AMENDMENT NO. 1

Letay Spauld
Secretary of the Senate

BY: *Carl Alh*

1 Amend C.S.H.B. No. 76 (senate committee printing) in SECTION
2 1 of the bill, in added Section 33.096(b)(2), Education Code (page
3 1, lines 52-53), by striking "applicable licensing provisions or
4 other laws of this state" and substituting "health care
5 professional's Texas licensing act".

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 20, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB76 by Huberty (Relating to cardiac assessments of high school participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

It is assumed that the provisions of the bill relating to cardiac assessments of high school participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: WP, ASa, HL, AM

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 16, 2019

TO: Honorable Larry Taylor, Chair, Senate Committee on Education

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB76 by Huberty (Relating to cardiac assessments of high school participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

It is assumed that the provisions of the bill relating to cardiac assessments of high school participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: WP, ASa, HL, AM

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 8, 2019

TO: Honorable Larry Taylor, Chair, Senate Committee on Education

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB76 by Huberty (Relating to cardiac assessments of high school participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

It is assumed that the provisions of the bill relating to cardiac assessments of high school participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: WP, HL, AM, ASa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 7, 2019

TO: Honorable Dan Huberty, Chair, House Committee on Public Education

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB76 by Huberty (relating to cardiac assessments of high school participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League.), **Committee Report 1st House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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It is assumed that the provisions of the bill relating to cardiac assessments of high school participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 701 Texas Education Agency

LBB Staff: WP, HL, AM, ASa

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

February 24, 2019

TO: Honorable Dan Huberty, Chair, House Committee on Public Education

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB76 by Huberty (Relating to cardiac assessments of high school participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League.), **As Introduced**

No significant fiscal implication to the State is anticipated.

Under the bill, a student who is required by a University Interscholastic League (UIL) policy to have a physical examination prior to participating in a UIL event or activity would also be required to have an electrocardiogram or echocardiogram. An electrocardiogram would be required before the student's first year of participation in grade nine or above and another time before the student's subsequent year of participation at the eleventh grade level (if eleventh grade is not the student's first year of participation).

A school district could partner with a nonprofit entity to provide electrocardiograms or echocardiograms at district expense. A district could also elect to pay for the cost of students' electrocardiograms or echocardiograms.

The bill would stipulate hardship circumstances under which a school district could delay a required electrocardiogram or echocardiogram. A school district could waive electrocardiogram or echocardiogram requirements if a student's parent or a person standing in parental relation to the student submits a written request for a waiver for any reason. UIL would be required to adopt rules to administer the bill's requirements.

According to the University of Texas System, any additional work resulting from the passage of the bill could be reasonably absorbed within current resources. UIL is part of the University of Texas at Austin.

Local Government Impact

This analysis assumes that school districts would be required to ensure that affected students receive an electrocardiogram or echocardiogram, costs associated with receiving an electrocardiogram would be the responsibility of the student. To the extent districts elect to partner with a nonprofit entity or pay for electrocardiograms or echocardiograms, costs would vary based on the number of exams provided and student insurance coverage.

Source Agencies: 701 Texas Education Agency, 720 The University of Texas System Administration

LBB Staff: WP, HL, AM, ASa, THo