

House Bill 76
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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:

SENATE VERSION (IE)

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

(1) appropriately licensed in this state; and

(2) authorized to administer and interpret electrocardiograms under the health care professional's scope of practice, as established by the health care professional's Texas licensing act. [FA1]

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

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

CONFERENCE

House Bill 76
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(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 with the administration or evaluation of or reliance on an electrocardiogram; or
(2) the content or distribution of the information required under Subsection (a) or the failure to distribute the required information under this section.

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

SENATE VERSION (IE)

(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 request an electrocardiogram under this section;
(3) procedures to ensure students receiving the required annual physical examination are notified of the option to request 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 a health care professional described by Subsection (b), 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 with the administration or interpretation of or reliance on an electrocardiogram; or
(2) the content or distribution of the information required under Subsection (a) or the failure to distribute the required information under this section.

SECTION 2. Same as House version.

CONFERENCE

House Bill 76
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

SENATE VERSION (IE)

SECTION 3. Same as House version.

CONFERENCE