S.B. No. 415

AN ACT
relating to a risk assessment program for Type 2 diabetes and the creation of the Type 2 Diabetes Risk Assessment Program Advisory Committee.

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

SECTION 1. The heading to Chapter 95, Health and Safety Code, is amended to read as follows:

CHAPTER 95. RISK ASSESSMENT FOR TYPE 2 DIABETES [ACANTHOSIS NIGRICANS SCREENING]

SECTION 2. Section 95.001, Health and Safety Code, is amended by adding Subdivisions (1-a) and (1-b) and amending Subdivision (3) to read as follows:

(1-a) "Advisory committee" means the Type 2 Diabetes Risk Assessment Program Advisory Committee established under Section 95.006.

(1-b) "Council" means the Texas Diabetes Council.

(3) "Office" means [the Texas-Mexico Border Health Coordination Office of] The University of Texas-Pan American Border Health Office.

SECTION 3. Sections 95.002, 95.003, and 95.004, Health and Safety Code, are amended to read as follows:

Sec. 95.002. TYPE 2 DIABETES [ACANTHOSIS NIGRICANS] EDUCATION AND RISK ASSESSMENT PROGRAM [SCREENING PROJECT].

(a) The office shall administer a risk assessment program for Type
2 diabetes [an acanthosis nigricans screening program] in accordance with this chapter.

(b) The office, after reviewing recommendations made by the advisory committee, [executive council] by rule shall coordinate the risk assessment for Type 2 diabetes [screening] of individuals who attend public or private schools located in Texas Education Agency Regional Education Service Centers 1, 2, 3, 4, 10, 11, 13, 15, 18, 19, and 20 and, by using existing funding as efficiently as possible or by using other available funding, in additional regional education service centers.

(c) The rules must include procedures necessary to administer the risk assessment program, including procedures that require each school to record and report risk assessment [screening] activities using:

1. an existing database used to administer and track risk assessment data; or

2. widely accepted surveillance software selected by the office.

(d) The office shall require a risk assessment for Type 2 diabetes [acanthosis nigricans screening] to be performed at the same time hearing and vision screening is performed under Chapter 36 or spinal screening is performed under Chapter 37. The risk assessment for Type 2 diabetes should:

1. identify students with acanthosis nigricans; and

2. further assess students identified under Subdivision (1) to determine the students':

   (A) body mass index; and
(B) blood pressure.

(e) The office may:

(1) coordinate the risk assessment for Type 2 diabetes [acanthosis nigricans screening] activities of school districts, private schools, state agencies, volunteer organizations, universities, and other entities so that the efforts of each entity are complementary and not fragmented and duplicative; and

(2) [The office may] provide technical assistance to those entities in developing risk assessment [screening] programs.

(f) The office shall:

(1) [and may] provide educational and other material to assist local risk assessment [screening] activities;

(2) [The office shall] monitor the quality of risk assessment [screening] activities provided under this chapter; and

(3) consult with the Board of Nurse Examiners to determine the training requirements necessary for a nurse or other person to conduct risk assessment activities under this chapter.

(g) The office shall provide on the office's Internet website information on obesity, Type 2 diabetes, and related conditions to health care providers and update the information at least annually.

Sec. 95.003. COMPLIANCE WITH RISK ASSESSMENT [SCREENING] REQUIREMENTS. (a) Each individual required by rules adopted under this chapter to be assessed [screened] shall undergo approved risk assessment [screening] for Type 2 diabetes [acanthosis nigricans].
The individual shall comply with the requirements as soon as possible after the individual's admission to a school and as required by rule. The individual or, if the individual is a minor, the minor's parent, managing conservator, or guardian may substitute a professional examination for the risk assessment [screening].

(b) An individual is exempt from risk assessment [screening] if risk assessment [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 qualify for the exemption, the individual or, if the individual is a minor, the individual's parent, managing conservator, or guardian must submit to the chief administrator of the school on or before the day of the risk assessment process [screening procedure] an affidavit stating the objections to the risk assessment [screening].

(c) The chief administrator of each school shall ensure that each individual admitted to the school complies with the risk assessment [screening] requirements set by the office [executive council] or submits an affidavit of exemption.

Sec. 95.004. RECORDS; REPORTS. (a) The chief administrator of each school shall maintain, on a form prescribed by the office, risk assessment [executive council, screening] records for each individual in attendance[7] and enter the risk assessment information for each individual on the surveillance software selected by the office. The risk assessment [the] records are open for inspection by the office or the local health
(b) The office may, directly or through local health departments, enter a school and inspect records maintained by the school relating to risk assessment [screening] for Type 2 diabetes [acanthosis nigricans].

(c) An individual's risk assessment [screening] records may be transferred among schools without the consent of the individual or, if the individual is a minor, the minor's parent, managing conservator, or guardian.

(d) The person performing the risk assessment [screening] shall send a report indicating that an individual may be at risk for developing Type 2 diabetes [have acanthosis nigricans] to the individual or, if the individual is a minor, the minor's parent, managing conservator, or guardian. The report must include:

   (1) an explanation of:

      (A) the process for assessing risk for developing Type 2 diabetes;

      (B) the reasons the individual was identified in the risk assessment process as being at risk for developing Type 2 diabetes;

      (C) the risk factors associated with developing Type 2 diabetes; and

      (D) the individual's body mass index [acanthosis nigricans and related conditions];

   (2) a statement concerning an individual's or family's need for further evaluation for Type 2 diabetes and related [ef] conditions [related to acanthosis nigricans]; [and]
(3) instructions to help the individual or family receive evaluation by a physician or other health care provider; and

(4) information on procedures for applying for the state child health plan program and the state Medicaid program and intervention by the school district.

(e) Each school shall submit to the office an annual report on the risk assessment [screening] status of the individuals in attendance during the reporting year and shall include in the report any other information required by the office.

(f) The report required under Subsection (e) must:

(1) be compiled from the information entered into the surveillance software;

(2) be on a form prescribed by the [executive council] and

(3) [must] be submitted according to the timetable established by the office's [executive council's] rules.

(g) After the end of the reporting period under Subsection (e), the office shall:

(1) analyze and compile a summary of the reports submitted by schools during that reporting period;

(2) file a copy of the summary with the advisory committee; and

(3) post on an Internet website accessible to each school required to submit a report under Subsection (e):

(A) the number of students and the percentage of

the student population identified by each of those schools during
the reporting period as at risk for Type 2 diabetes; and

(B) comparison data and analyses regarding the
information required to be reported under that subsection.

(h) The office shall deliver to the chief administrator of
each school and the school nurse or other person responsible for
caroling risk assessment activities for the school under this
chapter an annual summary compilation of the reports submitted by
schools under Subsection (e).

(i) Not later than January 15 of each odd-numbered
year, the office shall submit to the governor and the legislature a
report relating to the implementation and
effectiveness of the Type 2 diabetes risk assessment program established by this chapter that
includes a detailed description of the expenses related to the
program.

SECTION 4. Chapter 95, Health and Safety Code, is amended by
adding Sections 95.005 and 95.006 to read as follows:

Sec. 95.005. GIFTS AND GRANTS. The office may accept gifts,
grants, and donations to support the Type 2 diabetes risk
assessment program conducted under this chapter.

Sec. 95.006. ADVISORY COMMITTEE. (a) The Type 2 Diabetes
Risk Assessment Program Advisory Committee is established to advise
the office on the Type 2 diabetes risk assessment program conducted
under this chapter.

(b) The advisory committee is composed of:

(1) the following representatives appointed by the
executive director of the office:
(A) one representative of the office;

(B) one representative of the Texas Education Agency;

(C) one representative of the Texas Pediatric Society;

(D) one representative of the American Diabetes Association;

(E) one representative who is a member of the board of regents of The University of Texas--Pan American;

(F) one school nurse representative from an urban school located within the boundaries of a regional education service center;

(G) one parent or guardian of a child who resides within the boundaries of a regional education service center; and

(H) one person with knowledge and experience in health care in school settings; and

(2) the following representatives appointed by the chairman of the council:

(A) one representative of the council;

(B) one representative of the Texas Medical Association;

(C) one school district administrator representative from a school district located within the boundaries of a regional education service center;

(D) one school principal representative from a school district located within the boundaries of a regional education service center; and
(E) one school nurse representative from a rural school located within the boundaries of a regional education service center.

(c) A person may not be a member of the advisory committee if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a health care profession or related business or another profession related to the operation of the council.

(d) The representative of the office appointed under Subsection (b)(1)(A) shall serve as the presiding officer of the advisory committee.

(e) The advisory committee shall meet at least twice a year and at other times at the call of the presiding officer. The advisory committee may meet by teleconference if an in-person meeting of all the members is not practicable.

(f) Members of the advisory committee may not receive compensation for service on the committee. An advisory committee member is entitled to reimbursement of travel expenses incurred by the member while conducting the business of the advisory committee to the extent that funds are available to the office for that purpose.

(g) Chapter 2110, Government Code, does not apply to the size, composition, or duration of the advisory committee.

(h) The advisory committee shall:

(1) recommend the person who should be responsible for conducting risk assessment activities under this chapter for
schools that do not employ a school nurse;

(2) advise the office on the age groups that would benefit most from the risk assessment activities under this chapter;

(3) recommend a method to record and report the number of children who are identified in the risk assessment process as being at risk for having or developing Type 2 diabetes and who qualify for the national free or reduced-price lunch program established under 42 U.S.C. Section 1751 et seq.;

(4) recommend a deadline, which may not be later than the first anniversary of the date the advisory committee submits a recommendation to the office under this section, by which the office shall implement the advisory committee's recommended risk assessment activities, surveillance methods, reports, and quality improvements;

(5) contribute to the state plan for diabetes treatment developed by the council under Section 103.013 by providing statistics and information on the risk assessment activities conducted under this chapter and recommendations for assisting children in this state at risk for developing Type 2 diabetes; and

(6) recommend any additional information to be included in the report required by Section 95.004.

(i) The advisory committee shall submit to the office a report of the recommendations developed under Subsection (h) not later than September 1 of each even-numbered year. The office, subject to the availability of funds, shall implement each advisory committee's recommendations.
committee recommendation concerning the Type 2 diabetes risk
assessment program.

(j) In this section, "regional education service center" means a Texas Education Agency Regional Education Service Center listed in Section 95.002(b).

SECTION 5. Subsection (h), Section 110.15, Education Code, is amended to read as follows:

(h) In conducting its activities under this section, the center shall consult with The University of Texas-Pan American Border Health Office that administers the Type 2 Diabetes risk assessment program under Chapter 95, Health and Safety Code.

SECTION 6. Subdivisions (2) and (6), Section 95.001, Health and Safety Code, are repealed.

SECTION 7. (a) As soon as practicable after the effective date of this Act, the executive director of The University of Texas-Pan American Border Health Office shall appoint eight of the initial members of the Type 2 Diabetes Risk Assessment Program Advisory Committee in accordance with Subdivision (1), Subsection (b), Section 95.006, Health and Safety Code, as added by this Act.

(b) As soon as practicable after the effective date of this Act, the chairman of the Texas Diabetes Council shall appoint five of the initial members of the Type 2 Diabetes Risk Assessment Program Advisory Committee in accordance with Subdivision (2), Subsection (b), Section 95.006, Health and Safety Code, as added by this Act.
SECTION 8. This Act takes effect September 1, 2007.

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President of the Senate AAAAAAAAAAAASpeaker of the House
I hereby certify that S.B. No. 415 passed the Senate on
May 1, 2007, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate
I hereby certify that S.B. No. 415 passed the House on
May 23, 2007, by the following vote: Yeas 144, Nays 0, two
present not voting.

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Chief Clerk of the House

Approved:

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Date

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Governor