

SUBJECT: Modifying the mandatory spinal screening program for children

COMMITTEE: Public Education — committee substitute recommended

VOTE: 10 ayes — Huberty, Bernal, Allen, Bohac, Deshotel, Gooden, K. King, Koop, Meyer, VanDeaver

0 nays

1 absent — Dutton

WITNESSES: For — David Teuscher, Texas Orthopaedic Association; Francis Luna, Texas School Nurses Organization; Cheryl Phalen, TSNAA; (*Registered, but did not testify*: Stacy Wilson, Children's Hospital Association of Texas; Chris Masey, Coalition of Texans with Disabilities; Andrew Cates, Nursing Legislative Agenda Coalition; Bobby Hillert, Texas Orthopaedic Association; Kyle Ward, Texas PTA; Robert Wolf)

Against — None

On — Evelyn Delgado, Texas Department of State Health Services; (*Registered, but did not testify*: Kara Belew and Monica Martinez, Texas Education Agency)

BACKGROUND: Health and Safety Code, sec. 37.001 requires the Department of State Health Services (DSHS), along with the Texas Education Agency (TEA), to establish a program to detect abnormal spine curvature in children. The executive commissioner of the Health and Human Services Commission (HHSC), with cooperation from TEA, must adopt rules for the mandatory spinal screening of children in grades 6 and 9 attending public or private schools.

Questions have been raised about whether current law permits the HHSC executive commissioner to implement spinal screening requirements based on the findings of current medical research.

DIGEST: CSHB 1076 would require the executive commissioner of the Health and Human Services Commission (HHSC) to determine appropriate screening ages based on the most recent nationally accepted and peer-reviewed scientific research on spinal screenings for the program to detect abnormal spine curvature in children, rather than requiring screenings of children in grades 6 and 9.

The bill also would direct the HHSC executive commissioner, in cooperation with Texas Education Agency (TEA), to establish a process to notify a child's parent or guardian of:

- the screening requirement;
- the purpose and reasons for the screening requirement;
- the non-invasive nature of the screening procedure; and
- the method for declining to comply with the screening requirement.

The executive commissioner would have to adopt these rules and processes by January 1, 2018, and the bill would apply beginning with the 2018-19 school year.

The bill would take effect September 1, 2017.

NOTES: A companion bill, SB 850 by Huffines, was reported favorably by the Senate Committee on Health and Human Services on April 27.