

## **BILL ANALYSIS**

Senate Research Center

S.B. 1239  
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Health & Human Services  
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As Filed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

There is a growing epidemic of children as young as elementary and middle school ages, developing risk factors for Type 2 diabetes.

The Institute of Medicine of the National Academies reports that individuals born in the United States in 2000 face a lifetime risk of being diagnosed with diabetes at some point in their lives, estimated at 30 percent for boys and 40 percent for girls at current obesity level rates. The risk is even higher among ethnic minority groups; of Hispanic children born in 2000, about 50 percent are expected to become diabetic.

Currently, The University of Texas-Pan American administers the acanthosis nigricans (AN) screening program in certain elementary schools. As proposed, S.B. 1239 seeks to expand both the geography and scope of the program by transferring the program to the Department of State Health Services (DSHS) and altering the screening program.

This bill requires DSHS to expand the program statewide; currently the program serves a limited number of regional education service centers. DSHS may contract with a university to implement any part of the bill. Instead of just screening for AN, school nurses would first assess students for body mass index (BMI); students with a high BMI will then be assessed for AN and high blood pressure.

The bill creates an advisory council to assist with the program, chaired by the Texas Diabetes Institute. Members would include representatives from DSHS, the Texas Education Agency, the Texas Medical Association, a representative from an institute of higher learning, the Texas Pediatric Society, school nurses (1 rural, 1 urban), the American Heart Association and, a parent of a child with Type 2 diabetes.

S.B. 1239 requires DSHS to track the assessment data and make it available on an aggregate level to schools so that schools and communities can use the data as a way to track student health.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the executive council advising the Texas-Mexico Border Health Coordination Office of the University of Texas-Pan American is transferred to the executive commissioner of the Health and Human Service Commission and modified in SECTION 2 (Section 95.002, Health and Safety Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Chapter 95, Health and Safety Code, to read as follows:

#### CHAPTER 95. RISK ASSESSMENT FOR TYPE 2 DIABETES

SECTION 2. Amends Section 95.001, Health and Safety Code, as added by Chapter 1465, Acts of the 77th Legislature, Regular Session, 2001, to define "advisory council," "department," and "executive commissioner." Deletes existing definitions for "executive council" and "office."

SECTION 3. Amends Sections 95.002, 95.003, and 95.004, Health and Safety Code, as follows:

Sec. 95.002. New heading: TYPE 2 DIABETES EDUCATION AND RISK ASSESSMENT PROGRAM. (a) Requires the Department of State Health Services (DSHS), rather than the Texas-Mexico Border Health Coordination Office of The University of Texas-Pan American, to administer a risk assessment program for Type 2 diabetes, rather than an acanthosis nigricans screening program. Authorizes DSHS to contract with one or more institutions of higher education, such as the Texas-Mexico Border Health Coordination Office of The University of Texas-Pan American or the Texas Tech University Health Science Center, and to assign to an institution under a contract any duty required by this chapter to administer the risk assessment program.

(b) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner), rather than the executive council advising the Texas-Mexico Border Health Coordination Office of The University of Texas-Pan American, by rule to coordinate the risk assessment for Type 2 diabetes, rather than screening, of individuals who attend public or private schools in this state. Deletes existing text referring to specific Texas Education Agency Regional Education Service Centers.

(c) Requires the rules to include procedures necessary to administer and track risk assessment activities, including rules that require DSHS and each school to record and track the information collected during risk assessment activities using certain methods. Makes a conforming change.

(d) Requires DSHS to require a risk assessment for Type 2 diabetes to be performed at the same time as certain hearing and vision screenings unless the executive commissioner establishes different times or age groups. Sets forth certain requirements for the risk assessment. Makes conforming changes.

(e) Makes conforming changes.

(f) Requires DSHS to 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. Makes conforming changes.

(g) Requires DSHS to periodically provide information on obesity, Type 2 diabetes, and related conditions to physicians through provider bulletins.

Sec. 95.003. New heading: COMPLIANCE WITH RISK ASSESSMENT. Makes conforming changes.

Sec. 95.004. RECORDS; REPORTS. (a) Requires the chief administrator of each school to maintain, on a form prescribed by the department, risk assessment records for each individual in attendance and enter the risk assessment information for each individual on the Centers for Disease Control and Prevention's Epi Info or another data tracking program selected by the department in accordance with executive commissioner rules.

(b) Makes conforming changes.

(c) Makes a conforming change.

(d) Sets forth certain requirements for the report indicating that an individual may be at risk for developing Type 2 diabetes. Makes conforming changes.

(e) Makes conforming changes.

(f) Creates this subsection from existing text. Requires the required annual report to be compiled from the information entered into the data tracking program and to be on a form prescribed by DSHS in accordance with the executive commissioner's rules. Makes conforming changes.

(g) Requires DSHS to analyze and compile a summary of the reports submitted by schools under Subsection (e) and to make the summary available to schools and the public on request.

(h) Creates this subsection from existing Subsection (f). Makes conforming changes.

SECTION 4. Amends Chapter 95, Health and Safety Code, by adding Sections 95.005 and 95.006, as follows:

Sec. 95.005. ADVISORY COUNCIL. (a) Requires DSHS to establish the Type 2 Diabetes Risk Assessment Program Advisory Council (council) to advise DSHS on the Type 2 diabetes risk assessment program conducted under this chapter.

(b) Sets forth certain requirements for the composition of the council.

(c) Prohibits a person from being a member of the advisory council if the person is required to register as a lobbyist under Chapter 305 (Registration of Lobbyists), 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 DSHS.

(d) Requires the representative of the Texas Diabetes Council appointed under Subsection (b) to serve as the presiding officer of the advisory council.

(e) Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the size, composition, or duration of the advisory council.

Sec. 95.006. ADVISORY COUNCIL DUTIES. Sets forth certain requirements for the council.

SECTION 5. (a) Requires the executive head of each of certain entities to appoint a representative to serve on the council created under Section 95.005, Health and Safety Code, as added by this Act, as early as possible after the effective date of this Act.

(b) Requires the head of the Texas Diabetes Council to appoint a parent or guardian of a child in this state with Type 2 diabetes to serve on the council created under Section 95.005, Health and Safety Code, as added by this Act, as early as possible after the effective date of this Act.

SECTION 6. Repealer: Subdivision (6) (defining "screening test"), Section 95.001, Health and Safety Code.

SECTION 7. Effective date: September 1, 2005.