

BILL ANALYSIS

Senate Research Center
79R13935 YDB-F

C.S.S.B. 1239
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Health & Human Services
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Committee Report (Substituted)

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. C.S.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, the American Heart Association, and the Texas Diabetes Council.

C.S.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council advising the Texas-Mexico Border Health Coordination Office of the University of Texas-Pan American is rescinded in SECTION 3 (Section 95.002, Health and Safety Code) of this bill.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, as added by Chapter 1465, Acts of the 77th Legislature, Regular Session, 2001, to read as follows:

CHAPTER 95. RISK ASSESSMENT FOR TYPE 2 DIABETES

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

SECTION 3. Amends Sections 95.002, 95.003, and 95.004, Health and Safety Code, as added by Chapter 1465, Acts of the 77th Legislature, Regular Session, 2001, 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 DSHS, rather than the executive council advising the Texas-Mexico Border Health Coordination Office of The University of Texas-Pan American, to coordinate the risk assessment for Type 2 diabetes, rather than screening, of individuals who attend public or private schools located in specific Texas Education Agency Regional Education Service Centers and in addition regional education service centers as funding is available.

(c) Requires DSHS to establish procedures necessary to administer the risk assessment program, including procedures 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. 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.

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 DSHS, 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 similar surveillance software selected by the department.

(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 surveillance software and to be on a form prescribed by DSHS. 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, as added by Chapter 1465, Acts of the 77th Legislature, Regular Session, 2001, by adding Section 95.005, as follows:

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

SECTION 5. Amends Chapter 103, Health and Safety Code, by adding Section 103.0125, as follows:

Sec. 103.0125. TYPE 2 DIABETES RISK ASSESSMENT PROGRAM ADVISORY COMMITTEE. (a) Requires the Texas Diabetes Council (ouncil) to establish to establish the Type 2 Diabetes Risk Assessment Program Advisory Committee (advisory committee) to advise DSHS on the program conducted under Chapter 95.

(b) Sets forth the composition of the advisory committee.

(c) Prohibits a person from being a member of the advisory committee 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, related business, or another profession related to the operation of the council.

(d) Requires the representative of the council appointed under Subsection (b)(1)(A) to serve as the presiding officer of the advisory committee.

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

(f) Requires the advisory committee to perform certain functions including recommending, advising, and contributing to Type 2 diabetes state plans.

SECTION 6. Requires the executive head of specific entities to appoint a representative to serve on the Type 2 Diabetes Risk Assessment Program Advisory Committee created under Section 103.0125, Health and Safety Code, as added by this Act, as early as possible after the effective date of this Act. 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 advisory committee created under Section 103.0125, Health and Safety Code, as added by this Act.

SECTION 7. Repealer: Subdivisions (3) (defining "office") and (6) (defining "screening test"), Section 95.001, Health and Safety Code.

SECTION 8. Effective date: September 1, 2005.