

BILL ANALYSIS

Senate Research Center
85R13863 JG-D

C.S.S.B. 850
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Health & Human Services
4/25/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

All students in Texas are mandated by law to undergo scoliosis screenings in the sixth and ninth grades. While the rationale for the mandate is compelling, the wisdom of grade-based screening has recently been called into question. Two award-winning studies by researchers at Texas Scottish Rite Hospital for Children in Dallas have reaffirmed the efficacy of early treatment in preventing future surgeries but have indicated that the condition must be caught earlier for optimum results. Because of this research, organizations of scoliosis experts, such as the Scoliosis Research Society and the Pediatric Orthopaedic Society of North America, are recommending that children be screened early to maximize health outcomes. Specifically, these organizations and others call for screening males once at age 13 or 14 and females twice at ages 10 and 12. These recommendations accord with the differing developmental cycles of males and females and also recognize the disproportionate impact the condition has on females, who are five times more likely to require treatment if affected.

S.B. 850 seeks to provide the executive commissioner of the Health and Human Services Commission (executive commissioner) with discretion to adjust scoliosis screening requirements. This will allow Texas law to respond to cutting-edge science and will maximize the efficiency of the screening process. Additionally, because the screening age is not mandated, this law would provide the executive commissioner the flexibility to always keep the Texas screening requirement in accord with current scientific recommendations. (Original Author's / Statement of Intent)

C.S.S.B. 850 amends current law relating to the mandatory spinal screening of public and private school students.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission (executive commissioner) in SECTION 1 (Section 37.001, Health and Safety Code) of this bill.

Rulemaking authority previously granted to the executive commissioner is modified in SECTION 1 (Section 37.001, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 37.001, Health and Safety Code, by amending Subsection (b) and adding Subsection (b-1), as follows:

(b) Requires the executive commissioner of the Health and Human Services Commission (executive commissioner), in cooperation with the Texas Education Agency (TEA), to adopt rules for the mandatory spinal screening of children attending public or private schools, rather than of children in grades 6 and 9, attending public or private schools. Requires the executive commissioner, in adopting rules under this subsection, to consider the most recent nationally accepted and peer-reviewed scientific research in determining the appropriate ages for conducting the spinal screening.

(b-1) Requires the executive commissioner, in cooperation with TEA, by rule to develop a process to notify a parent, managing conservator, or guardian of the screening requirement, the purpose of and reasons for the screening requirement, including prevention of painful scoliosis correction surgery and medical risks to the child if screening is declined, the noninvasive nature of the method used to conduct the screening, and the method for declining to comply with the screening requirement through the use of an exemption described by Section 37.002(b) (relating to individuals who are exempt from screening for certain conflicts of religious practices).

SECTION 2. (a) Requires the executive commissioner to adopt rules under Section 37.001, Health and Safety Code, as amended by this Act, not later than January 1, 2018.

(b) Provides that this Act applies beginning with the 2018-2019 school year.

SECTION 3. Effective date: September 1, 2017.