

BILL ANALYSIS

Senate Research Center

S.B. 504
By: Deuell
Health & Human Services
7/9/2013
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Chapter 37 (Abnormal Spinal Curvature in Children), Health and Safety Code, requires the Department of State Health Services, in cooperation with the Texas Education Agency, to establish a program to detect abnormal spinal curvature in children. Since 2004, the United States Preventative Services Task Force has recommended against the routine screening of asymptomatic adolescents for idiopathic scoliosis. The task force reports that the potential harms of screening and treating adolescents include unnecessary follow-up visits and evaluations because of false positive results.

Many school nurses and local health providers believe resources can be used for better purposes. They believe mass screenings are not effective, with very few students receiving an intervention other than observation.

S.B. 504 amends current law relating to the requirement that certain schoolchildren be screened for abnormal spinal curvature.

[**Note:** While the statutory references in this bill are to the Texas Department of Health (TDH) and the Texas Board of Health (board), the following amendments affect the Department of State Health Services as the successor agency to TDH and the board.]

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Board of Health [the executive commissioner of the Health and Human Services Commission] is modified in SECTION 1 (Section 37.001, Health and Safety Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 37.001(b) and (c), Health and Safety Code, as follows:

(b) Requires the Texas Board of Health (board), in cooperation with the Texas Education Agency (TEA), to adopt rules requiring each public school to choose either to participate in the spinal screening program for children in grades 6 and 9 attending the public school or to provide information developed by the Texas Department of Health on abnormal spinal curvature to the parents, managing conservators, or guardians of children in grades 6 through 9 attending the public school. Deletes existing text requiring the board, in cooperation with TEA, to adopt rules for the mandatory spinal screening of children in grades 6 and 9 attending public or private schools.

(c) Requires the board to adopt substantive and procedural rules necessary to administer screening activities and for the development and provision of information on abnormal spinal curvature.

SECTION 2. Amends Section 37.002, Health and Safety Code, as follows:

Sec. 37.002. New heading: SCREENING REQUIREMENTS. (a) Requires an individual, if a public school, rather than board rule, requires the individual to be screened, to undergo approved screening for abnormal spinal curvature.

(b) Requires the chief administrator to make the information on abnormal spinal curvature developed under Section 37.001 (Screening Program for Abnormal Spinal Curvature) available to an exempted individual's parent, managing conservator, or guardian.

(c) Requires the chief administrator of each school, if screening is required, to ensure that each individual admitted to the school complies with the screening requirements set by the board or submits an affidavit of exemption.

SECTION 3. Requires the Department of State Health Services, not later than March 1, 2014, to develop the information required by Section 37.001(b), Health and Safety Code, as amended by this Act.

SECTION 4. Provides that this Act applies beginning with the 2014-2015 school year.

SECTION 5. Effective date: upon passage or September 1, 2013.