

CHAPTER 886

H.B. No. 832

An Act relating to a mandatory spinal screening program to detect abnormal spinal curvature in children.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. DEFINITIONS. In this Act:

- (1) "Board" means the Texas Board of Health.
- (2) "Department" means the Texas Department of Health.

SECTION 2. SPINAL SCREENING. (a) The department, in cooperation with the Central Education Agency, shall establish a program to detect abnormal spinal curvature in children.

(b) It is the intent of the legislature that the department provide certification training for nonhealth practitioners through Central Education Agency Regional Centers.

(c) The board, in cooperation with the Central Education Agency, shall adopt rules for the mandatory spinal screening of children in grades 6 and 9 attending public or private schools. The department shall coordinate the spinal screening program with any other screening program conducted by the department on that population.

(d) If the rules require an individual to be screened, the individual shall undergo approved spinal screening tests. The individual's parent, managing conservator, or guardian may elect to substitute professional examinations for the required screening tests.

(e) An individual is exempt from the screening requirements of this section if the screening tests conflict with the tenets and practices of a recognized church or religious denomination of which the individual is an adherent or a member. The individual's parent, managing conservator, or guardian shall submit to the chief administrator on or before the day of the screening procedure an affidavit stating the objections to screening.

(f) The chief administrator of each school shall ensure that each individual admitted to the school complies with the screening requirements set by the board or submits an affidavit of exemption.

(g) The department may coordinate the spinal screening activities of school districts, private schools, state agencies, volunteer organizations, and other entities so that the efforts of each entity are complementary rather than augmented and duplicative. The department may provide technical assistance to those entities in developing screening programs.

(h) Rules adopted by the board under this Act shall not require any expenditures by schools, other than incidental expenses required for certification training for nonhealth practitioners and for notification requirements under Section 5.

SECTION 3. ADDITIONAL POWERS AND DUTIES. (a) The board shall adopt substantive and procedural rules necessary to administer screening activities.

(b) The department may train persons who administer the spinal screening procedure and may approve training programs.

(c) The department shall monitor the quality of screening activities provided under this Act.

(d) The department may enter into contracts and agreements necessary to administer this Act.

(e) The department may provide educational and other material to assist local screening activities.

(f) The department may accept appropriations, donations, and reimbursements and may apply those items to the purposes of this Act.

SECTION 4. QUALIFICATIONS OF SCREENING PERSONNEL. (a) A person who provides spinal screening services authorized by this Act must be appropriately licensed or certified as a health practitioner or certified as having completed an approved training program in spinal screening.

(b) A person who provides a professional examination authorized by this Act for abnormal spinal curvature must be appropriately licensed or certified as a health practitioner.

SECTION 5. NOTIFICATION OF SCREENING RESULTS. If the screening indicates that an individual may have abnormal spinal curvature, the individual performing the screening shall fill out a report on a form prescribed by the department. The chief administrator of the school shall retain one copy of the report and shall mail one copy to the parent, managing conservator, or guardian of the individual screened.

SECTION 6. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on May 9, 1985, by a non-record vote; passed by the Senate on May 21, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 15, 1985

Effective: August 26, 1985