

**SUBJECT:** Requiring school districts to offer info on EKGs to UIL student-athletes

**COMMITTEE:** Public Education — committee substitute recommended

**VOTE:** 11 ayes — Huberty, Bernal, Allen, Ashby, K. Bell, M. González, K. King, Meyer, Sanford, Talarico, VanDeaver

0 nays

2 absent — Allison, Dutton

**WITNESSES:** For — Thomas DeBauche, Cody Stephens Memorial Foundation; Ray Zepeda, Cypress-Fairbanks ISD; Kyle Cooper, Gatesville ISD; Keith Bryant, Lubbock-Cooper ISD; Joe Martin, Texas High School Coaches Association; David Plylar; Drew Sanders; Scott Stephens; (*Registered, but did not testify*: Chris Masey, Coalition of Texans with Disabilities; Mary DeBauche, Cody Stephens Memorial Foundation; Bill Kelly, City of Houston Mayor's Office; Will Francis, National Association of Social Workers-Texas Chapter; Paige Williams, Texas Classroom Teachers Association; Jerod Patterson, Texas Rural Education Association; Buck Gilcrease, Texas School Alliance; Jason Sabo; Melody Stephens; Vance Stephens; Columba Wilson)

Against — Jaime Capelo, American College of Cardiology Texas Chapter

On — Jamey Harrison, UIL; (*Registered, but did not testify*: Monica Martinez, Texas Education Agency; Troy Alexander, Texas Medical Association)

**DIGEST:** CSHB 76 would require school districts to provide information on sudden cardiac arrest and electrocardiogram (EKG) testing to students who were required under University Interscholastic League (UIL) policy to receive a physical exam before participating in athletic activities sanctioned or sponsored by the UIL. School districts also would be required to notify students of the option to request EKG testing in addition to the physical examination. Students could request an EKG from any appropriately

licensed health care professional.

The UIL would adopt rules necessary to administer these provisions, including:

- criteria under which a school district could request an exemption from the requirements to provide information on EKGs to students and to notify students of optional EKG testing;
- variances that allow for a delay in implementing the requirement to notify students of optional EKG testing;
- procedures to notify students receiving required annual physical examinations of optional EKG testing; and
- provisions to ensure school districts have the option to implement programs that exceed the requirements of this bill.

The bill would not create a cause of action or liability or a standard of care that would provide a basis for the liability of a licensed health care professional, the UIL, a school district, or district officer or employee for:

- the injury or death of a student participating in UIL activities in connection with the administration, evaluation, or reliance on an EKG result; or
- the content or distribution of the information on EKGs required to be provided under the bill or the failure to distribute the required information.

CHSB 76 would apply beginning with the 2019-2020 school year.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

SUPPORTERS  
SAY:

CSHB 76 would help save the lives of Texas student-athletes by providing them with information about an optional EKG screening that could detect heart defects that could lead to sudden cardiac arrest. The bill also would preserve parental rights without placing an undue burden on school

districts.

Sudden cardiac arrest is a preventable event that has needlessly claimed the lives of Texas student-athletes. Current physicals administered to student-athletes have not been effective at indicating heart problems that could lead to sudden cardiac arrest. EKGs are effective, inexpensive, and non-intrusive tests that can detect cardiovascular issues, and school districts that have already implemented EKG screening programs have helped some student-athletes discover serious cardiac abnormalities and receive treatment. Requiring school districts to provide information about optional EKG screenings to all students participating in UIL events could allow more potential cardiac issues to be identified before they became life-threatening.

The bill would preserve parental rights by allowing parents to opt in to EKG testing in a UIL athlete's required annual physical. The bill does not include a mandate that would force students to undergo an EKG.

CSHB 76 also would protect school districts and physicians from liability in the event of a student-athlete's injury or death. The bill would ensure that smaller districts with limited resources could delay implementation after demonstrating a hardship.

**OPPONENTS  
SAY:**

By requiring that student-athletes be offered the option of an EKG, CSHB 76 could lead to parents and students being misinformed about the risk of sudden cardiac arrest. EKGs are not scientifically proven to detect risk factors for sudden cardiac arrest, and a negative result on an EKG screening could lead parents to incorrectly conclude that their child was not suffering from a cardiac condition despite the presence of other symptoms.

The bill could infringe on local control by mandating what resources must be provided by school districts. Better strategies are available to reduce incidences of sudden cardiac arrest in student-athletes, such as requiring stricter physical exams and family medical histories and providing easily accessible defibrillators in school facilities.

CSHB 76 is unnecessary because about 30 percent of Texas school districts are already performing EKG screening on student-athletes, and the UIL already provides information to parents and students on cardiac conditions.

OTHER  
OPPONENTS  
SAY:

CSHB 76 would not address the whole school population, only UIL participants. Students other than athletes could be affected by sudden cardiac arrest.