

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 76
By: Huberty et al. (Alvarado)
Education
5/17/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concerns have been raised regarding student-athletes who have died due to an unknown heart defect that could have been detected by a cardiac assessment. S.B. 1921 seeks to address these concerns by requiring public school districts to provide certain information regarding cardiac assessments to high school students participating in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League (UIL) and to provide notification of the option for the student to request the administration of an electrocardiogram.

H.B. 76 amends the Education Code to require a public school district to provide information about sudden cardiac arrest and electrocardiogram testing to a district student who is required under UIL rule or policy to receive a physical examination before being allowed to participate in a UIL sponsored or sanctioned athletic activity. The bill also requires the district to provide such a student notification of the option for the student to request the administration of an electrocardiogram, in addition to the physical examination. The bill authorizes a student to request an electrocardiogram from any appropriately licensed health care professional whose scope of practice includes the administration and review of electrocardiograms. The bill requires the UIL to adopt rules as necessary to administer the bill's provisions and requires the rules to include:

- criteria under which a district may request an exemption from the requirements to provide the information and notification to an applicable district student;
- variances that allow for a delay of the implementation of the notification requirement;
- procedures to ensure students receiving the required annual physical examination are notified of the option to receive an electrocardiogram; and
- provisions to ensure that the bill's requirements are minimum standards that provide a district with the option to implement a program that exceeds the bill's standards. H.B. 76 expressly does not create a cause of action or liability or a standard of care, obligation, or duty that provides a basis for a cause of action or liability against an appropriately licensed or certified health care professional, the UIL, a district, or a district officer or employee for the content or distribution of the required information, the failure to distribute the required. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 76 amends current law relating to cardiac assessments of high school participants in extracurricular athletic activities sponsored or sanctioned by the University Interscholastic League.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the University Interscholastic League in SECTION 1 (Section 33.096, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 33, Education Code, by adding Section 33.096, as follows:

Sec. 33.096. CARDIAC ASSESSMENTS OF HIGH SCHOOL PARTICIPANTS IN EXTRACURRICULAR ATHLETIC ACTIVITIES. (a) Requires a school district to provide a district student, who is required under University Interscholastic League (UIL)

rule or policy to receive a physical examination before being allowed to participate in an athletic activity sponsored or sanctioned by UIL, the following:

(1) information about sudden cardiac arrest and electrocardiogram testing; and

(2) notification of the option of the student to request the administration of an electrocardiogram, in addition to the physical examination.

(b) Authorizes a student to request an electrocardiogram from any health care professional, including a health care professional provided through the student's patient-centered medical home, as defined by Section 533.0029 (Promotions and Principles of Patient-Centered Medical Homes For Recipients), Government Code, a health care professional provided through a school district program, or another health care professional chosen by the parent or person standing in parental relation to the student, provided that the health care professional is:

(1) appropriately licensed in this state; and

(2) authorized to administer and interpret electrocardiograms under the health care professional's scope of practice, as established by the applicable licensing provisions or other laws of this state.

(c) Requires UIL to adopt rules as necessary to administer this section.

(d) Requires the rules adopted under Subsection (c) to include:

(1) criteria under which a school district is authorized to request an exemption from the requirements of Subsection (a);

(2) variances that allow for a delay of the implementation of the requirement to notify students of the option to receive an electrocardiogram under this section;

(3) procedures to ensure students receiving the required annual physical examination are notified of the option to receive an electrocardiogram; and

(4) provisions to ensure that the requirements under this section are minimum standards that provide a school district with the option to implement a program that exceeds the standards required by this section.

(e) Provides that this section does not create a cause of action or liability or a standard of care, obligation, or duty that provides a basis for a cause of action or liability against a health care professional, described by Subsection (b), UIL, a school district, or a district officer or employee for:

(1) the injury or death of a student participating in or practicing for an athletic activity sponsored or sanctioned by UIL based on or in connection with the administration or evaluation of or reliance on an electrocardiogram; or

(2) the content or distribution of the information required under Subsection (a) or the failure to distribute the required information under this section.

SECTION 2. Provides that this Act applies beginning with the 2019–2020 school year.

SECTION 3. Effective date: upon passage or September 1, 2019.