

SECOND REGULAR SESSION

SENATE BILL NO. 649

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR RIDGEWAY.

Read 1st time January 11, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

4996S.011

AN ACT

To repeal sections 167.194 and 167.195, RSMo, and to enact in lieu thereof two new sections relating to vision examinations for school children.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 167.194 and 167.195, RSMo, are repealed and two
2 new sections enacted in lieu thereof, to be known as sections 167.194 and
3 167.195, to read as follows:

167.194. 1. Beginning July 1, [2008] **2013**, every child [enrolling in
2 kindergarten or first grade in a public elementary school in this state] **who is**
3 **referred for a comprehensive vision examination under section 167.195**
4 shall receive one comprehensive vision examination performed by a state licensed
5 optometrist or physician. Evidence of the examination shall be submitted to the
6 school no later than January first of the first year in which the student is
7 enrolled at the school, provided that the evidence submitted in no way violates
8 any provisions of Public Law 104-191, 42 U.S.C. 201, et seq, Health Insurance
9 Portability and Accountability Act of 1996.

10 2. The state board of education, in conjunction with the department of
11 health and senior services, shall promulgate rules establishing the criteria for
12 meeting the requirements of subsection 1 of this section, which may include, but
13 are not limited to, forms or other proof of such examination, or other rules as are
14 necessary for the enforcement of this section. The form or other proof of such
15 examination shall include but not be limited to identifying the result of the
16 examinations performed under subsection 4 of this section, the cost for the
17 examination, the examiner's qualifications, and method of payment through
18 either:

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

- 19 (1) Insurance;
- 20 (2) The state Medicaid program;
- 21 (3) Complimentary; or
- 22 (4) Other form of payment.

23 3. The department of elementary and secondary education, in conjunction
24 with the department of health and senior services, shall compile and maintain a
25 list of sources to which children who may need vision examinations or children
26 who have been found to need further examination or vision correction may be
27 referred for treatment on a free or reduced-cost basis. The sources may include
28 individuals, and federal, state, local government, and private programs. The
29 department of elementary and secondary education shall ensure that the
30 superintendent of schools, the principal of each elementary school, the school
31 nurse or other person responsible for school health services, and the parent
32 organization for each district elementary school receives an updated copy of the
33 list each year prior to school opening. Professional and service organizations
34 concerned with vision health may assist in gathering and disseminating the
35 information, at the direction of the department of elementary and secondary
36 education.

37 4. For purposes of this section, the following comprehensive vision
38 examinations shall include but not be limited to:

- 39 (1) Complete case history;
- 40 (2) Visual acuity at distance (aided and unaided);
- 41 (3) External examination and internal examination (ophthalmoscopic
42 examination);
- 43 (4) Subjective refraction to best visual acuity.

44 5. Findings from the evidence of examination shall be provided to the
45 department of health and senior services and kept by the optometrist or physician
46 for a period of seven years.

47 6. In the event that a parent or legal guardian of a child subject to this
48 section shall submit to the appropriate school administrator a written request
49 that the child be excused from taking a vision examination as provided in this
50 section, that child shall be so excused.

51 7. Pursuant to section 23.253 of the Missouri sunset act:

- 52 (1) The provisions of the [new] program authorized under this section
53 shall automatically sunset on June 30, [2012] **2016**, unless reauthorized by an
54 act of the general assembly; and

55 (2) If such program is reauthorized, the program authorized under this
56 section shall automatically sunset eight years after the effective date of the
57 reauthorization of this section; and

58 (3) This section shall terminate on September first of the calendar year
59 immediately following the calendar year in which the program authorized under
60 this section is sunset.

167.195. 1. Beginning July 1, [2008, and continuing through the 2010-11
2 school year unless extended by act of the general assembly] **2013**, all public
3 school districts shall conduct an eye screening for each student once before the
4 completion of **kindergarten, once before the completion of** first grade, and
5 again before the completion of third grade. The eye screening method utilized
6 shall be one approved by the children's vision commission and shall be performed
7 by an appropriately trained school nurse or other trained and qualified employee
8 of the school district.

9 2. Results of each eye screening shall be recorded on a form provided by
10 the department of health and senior services, developed and approved by the
11 children's vision commission established under this section.

12 (1) The screening results, with all individual identifying information
13 removed, shall be sent to the state department of health and senior services via
14 electronic form and shall compile the data contained in the reports for review and
15 analysis by the commission or other interested parties;

16 (2) When a student fails the eye screening, the school district shall send
17 a notice developed by the commission to the parent or guardian notifying them
18 of the results of the eye screening [and propose] **informing them** that the
19 student **shall** receive a [complete eye] **mandatory comprehensive vision**
20 examination from an optometrist or physician. Such notice shall have a place for
21 the parent to acknowledge receipt along with an indication as to whether the
22 student has received a [complete eye] **comprehensive vision** examination and
23 the results of the examination. Evidence of an examination provided by an
24 optometrist or physician within the year preceding the school eye screening shall
25 be sufficient for meeting the requirements of this section. The notice completed
26 by the parent or guardian is to be returned to the school and shall be retained in
27 the student's file and a copy shall be sent to the department of health and senior
28 services;

29 (3) Notwithstanding any law to the contrary, nothing in this section shall
30 violate any provisions of Public Law 104-191, 42 U.S.C. 201, et seq, Health

31 Insurance Portability and Accountability Act of 1996.

32 3. The "Children's Vision Commission" is hereby established which shall
33 cease to exist on June 30, [2012] **2016**, unless renewed by act of the general
34 assembly.

35 (1) The commission shall be composed of seven members appointed by the
36 governor: two ophthalmologists to be determined from a list of recommended
37 ophthalmologists by the Missouri Society of Eye Physicians and Surgeons; two
38 optometrists to be determined from a list of recommended optometrists by the
39 Missouri Optometric Association; one school nurse; one representative from the
40 department of elementary and secondary education; and one representative from
41 the Missouri state school boards association. Each ophthalmologist and
42 optometrist shall serve a one-year term as chair of the commission. Members of
43 the commission shall serve without compensation, but may be reimbursed for
44 reasonable and necessary expenses associated with carrying out their duties.

45 (2) Duties of the commission shall be as follows:

46 (a) Analyze and adopt one or more standardized eye screening and eye
47 examination tests to carry out the requirements of this section to be used in all
48 schools beginning with the [2008-09] **2013-2014** school year which, in the
49 commission's estimation, have a reasonable expectation of identifying vision
50 problems in children;

51 (b) Develop, in conjunction with the department of health and senior
52 services, a standardized reporting form which shall be used by all school districts
53 in carrying out the requirements of this section;

54 (c) Design and coordinate appropriate training programs for school district
55 staff who conduct the screening exams. Such training programs may utilize the
56 volunteer services of nonprofit professional organizations which, in the opinion
57 of the commission, are qualified to carry out those responsibilities associated with
58 providing the training required;

59 (d) [Conduct a pilot project to track the results of the eye screenings
60 versus eye examinations conducted based on the reports submitted by school
61 districts to the department of health and senior services;

62 (e)] Develop, in conjunction with the Missouri Optometric Association
63 (MOA) and the Missouri Society of Eye Physicians and Surgeons (MOSEPS),
64 guidelines outlining the benefits and ongoing eye care for children and
65 summarizing the signs and symptoms of vision disorders in order for the
66 guidelines to be made available on the MOA and MOSEPS website. The

67 commission shall also consult with MOA and MOSEPS in the organizations'
68 education and promotion of the guidelines;

69 [(f)] (e) By December 31, [2011] **2015**, the commission shall submit a
70 report to the general assembly detailing [the results and findings of the study]
71 **its compliance with this section**, including but not limited to the total
72 number of eye screenings [and eye examinations], the number of students who
73 received a follow-up examination from an optometrist, ophthalmologist, physician,
74 or doctor of osteopathy and the results of those examinations [to determine the
75 effectiveness of eye examinations versus eye screenings].

76 4. The department of health and senior services shall make a reasonable
77 accommodation for public review and inspection of the data collected [as part of
78 the eye screening pilot project] provided that no information is revealed that
79 could identify any individual student who was screened or examined.

80 5. In the event that a parent or legal guardian of a child objects to the
81 child's participation in the eye screening program, the child shall be excused upon
82 receipt by the appropriate school administrator of a written request.

83 6. The department of health and senior services shall provide staff
84 support to the commission.

Bill ✓

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