

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 1319

By: Seifried of the Senate

and

Newton of the House

COMMITTEE SUBSTITUTE

An Act relating to vision screenings; creating the Public School Vision Screening Modernization Revolving Fund; specifying type of fund and sources of monies; providing for expenditure of funds for certain purposes; authorizing the State Department of Health to award grants for certain purposes; requiring submission of certain annual report; amending 70 O.S. 2021, Section 1210.284, as amended by Section 1, Chapter 112, O.S.L. 2022 (70 O.S. Supp. 2023, Section 1210.284), which relates to public school vision screenings; requiring certain standards to permit use of electronic eye chart; defining term; requiring electronic eye chart to meet certain standards and guidelines; directing the Department to maintain certain platform and data management system subject to available funding; requiring certain sharing of information; updating statutory language; providing for codification; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1           SECTION 1.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-114.21 of Title 63, unless  
3 there is created a duplication in numbering, reads as follows:

4           There is hereby created in the State Treasury a revolving fund  
5 for the State Department of Health to be designated the "Public  
6 School Vision Screening Modernization Revolving Fund". The fund  
7 shall be a continuing fund, not subject to fiscal year limitations,  
8 and shall consist of all monies deposited to the credit of the fund  
9 by law or from private funds donated for one or both of the purposes  
10 listed in this section. All monies accruing to the credit of the  
11 fund are hereby appropriated and may be budgeted and expended by the  
12 State Department of Health for the following purposes:

13           1. Awarding grants to public schools as provided by Section 2  
14 of this act; and

15           2. Collection of necessary vision screening data including, but  
16 not limited to, through the cloud-based platform and data management  
17 system described in Section 1210.284 of Title 70 of the Oklahoma  
18 Statutes.

19           Expenditures from the fund shall be made upon warrants issued by  
20 the State Treasurer against claims filed as prescribed by law with  
21 the Director of the Office of Management and Enterprise Services for  
22 approval and payment.

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1           SECTION 2.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-114.22 of Title 63, unless  
3 there is created a duplication in numbering, reads as follows:

4           A. The State Department of Health may award grants to public  
5 schools from the Public School Vision Screening Modernization  
6 Revolving Fund created in Section 1 of this act for the purpose of  
7 assisting public schools in obtaining vision screening equipment,  
8 collecting vision screening data, and obtaining related services to  
9 fulfill the requirements of Section 1210.284 of Title 70 of the  
10 Oklahoma Statutes.

11           B. The State Department of Health shall electronically submit  
12 an annual report on all grants awarded under this section to the  
13 President Pro Tempore of the Senate, the Speaker of the House of  
14 Representatives, and the Governor by January 15 of each year.

15           SECTION 3.           AMENDATORY           70 O.S. 2021, Section 1210.284, as  
16 amended by Section 1, Chapter 112, O.S.L. 2022 (70 O.S. Supp. 2023,  
17 Section 1210.284), is amended to read as follows:

18           Section 1210.284. A. 1. The parent or guardian of each  
19 student enrolled in kindergarten at a public school in this state  
20 shall provide certification to school personnel that the student  
21 passed a vision screening within the previous twelve (12) months or  
22 during the school year. Such screening shall be conducted by  
23 personnel listed on the statewide registry as maintained by the  
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1 State Department of Health, which may include, but not be limited  
2 to, Oklahoma licensed optometrists and ophthalmologists.

3 2. The parent or guardian of each student enrolled in first or  
4 third grade at a public school in this state shall provide within  
5 thirty (30) days of the beginning of the school year certification  
6 to school personnel that the student passed a vision screening  
7 within the previous twelve (12) months. Such screening shall be  
8 conducted by personnel listed on the statewide registry as  
9 maintained by the State Department of Health; provided, Oklahoma  
10 licensed optometrists and ophthalmologists shall be exempt from such  
11 standards.

12 3. The parent or guardian of each student who receives a vision  
13 screening as required by this section shall receive notification  
14 that a vision screening is not the equivalent of a comprehensive eye  
15 exam.

16 B. 1. The Infant and Children's Health Advisory Council  
17 created in Section 1-103a.1 of Title 63 of the Oklahoma Statutes  
18 shall make recommendations to the State ~~Board~~ Commissioner of Health  
19 on:

- 20 a. standards for vision screening and referral; provided,  
21 Oklahoma licensed optometrists and ophthalmologists  
22 shall be exempt from such standards,  
23 b. qualifications for initial recognition and renewal of  
24 recognition of vision screeners,

- c. qualifications for initial recognition and renewal of recognition of vision screener trainers,
- d. qualifications for initial recognition and renewal of recognition of trainers of vision screener trainers; provided, Oklahoma licensed optometrists and ophthalmologists shall be exempt from any training requirements, and
- e. grounds for denial, refusal, suspension or revocation of recognition of vision screeners, vision screener trainers and trainers of vision screener trainers.

2. The Department shall:

- a. establish and thereafter maintain a statewide registry, available via the Internet, which shall contain a list of approved vision screeners,
- b. maintain a list of approved vision screener trainers and trainers of vision screener trainers, ~~and~~
- c. maintain the standards for vision screening and referral. Such standards shall permit the use of an electronic eye chart as a substitute for a printed eye chart to assess relative visual acuity. As used in this subparagraph, "electronic eye chart" means any computerized or other electronic system, device, automated computer program, or method of displaying on an electronic screen medically accepted and properly

1 sized optotypes, which may be letters, numbers, or  
2 symbols, that is used to assess an individual's visual  
3 acuity. An electronic eye chart shall meet national  
4 standards of care and shall meet the guidelines  
5 established by the 2016 version, or most recent  
6 version if updated, of the Procedures for the  
7 Evaluation of the Visual System by Pediatricians  
8 produced by the American Academy of Pediatrics, and  
9 d. subject to availability of funds, maintain a cloud-  
10 based platform and data management system that is  
11 compliant with the Health Insurance Portability and  
12 Accountability Act of 1996 and the Family Educational  
13 Rights and Privacy Act of 1974 to collect individual  
14 student screening results from each school district,  
15 manage and report on compliance, and act as an  
16 analytical platform for screening outcomes. The State  
17 Department of Education shall share vision screening  
18 results and any other relevant information with the  
19 State Department of Health for the purpose of  
20 implementing this subparagraph. The agencies shall  
21 enter into an interagency agreement for the sharing of  
22 information as provided by this subparagraph.  
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1           3. After notice and hearing, the ~~Department~~ State Department of  
2 Health may deny, refuse, suspend or revoke approval to an applicant  
3 who has a history of:

4           a. noncompliance or incomplete or partial compliance with  
5           the provisions of this section or the rules adopted by  
6           the ~~Board~~ Commissioner to implement the provisions of  
7           this section,

8           b. referring persons to a business in which the applicant  
9           has a financial interest or a business which is owned  
10          or operated by someone within the third degree of  
11          consanguinity or affinity of the applicant, or

12          c. conduct which demonstrates that the applicant is  
13          providing services in a manner which does not warrant  
14          public trust.

15          4. The ~~Board~~ Commissioner, giving consideration to the  
16          recommendations of the Council, shall promulgate rules to implement  
17          the provisions of this section.

18          C. 1. The parent or guardian of each student who fails the  
19          vision screening required in subsection A of this section shall  
20          receive a recommendation to undergo a comprehensive eye examination  
21          performed by an ophthalmologist or optometrist.

22          2. The ophthalmologist or optometrist shall forward a written  
23          report of the results of the comprehensive eye examination to the  
24          student's school, parent or guardian, and primary health care

1 provider designated by the parent or guardian. The report shall  
2 include, but not be limited to:

- 3 a. date of report,
- 4 b. name, address and date of birth of the student,
- 5 c. name of the student's school,
- 6 d. type of examination,
- 7 e. a summary of significant findings, including  
8 diagnoses, medication used, duration of action of  
9 medication, treatment, prognosis, whether or not a  
10 return visit is recommended and, if so, when,
- 11 f. recommended educational adjustments for the child, if  
12 any, which may include: preferential seating in the  
13 classroom, eyeglasses for full-time use in school,  
14 eyeglasses for part-time use in school, sight-saving  
15 eyeglasses, and any other recommendations, and
- 16 g. name, address and signature of the examiner.

17 D. No student shall be prohibited from attending school for a  
18 parent's or guardian's failure to furnish a report of the student's  
19 vision screening or an examiner's failure to furnish the results of  
20 a student's comprehensive eye examination required by this section.

21 E. School districts shall notify parents or guardians of  
22 students who enroll in kindergarten, first, or third grade for the  
23 2007-08 school year and each year thereafter of the requirements of  
24 this section.

1 F. The State Board of Education shall adopt rules for the  
2 implementation of this section except as provided in subsection B of  
3 this section. The State Department of Education shall issue a  
4 report annually on the impact and effectiveness of this section.

5 SECTION 4. This act shall become effective July 1, 2024.

6 SECTION 5. It being immediately necessary for the preservation  
7 of the public peace, health or safety, an emergency is hereby  
8 declared to exist, by reason whereof this act shall take effect and  
9 be in full force from and after its passage and approval.

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