

Enrolled Senate Bill 187

Sponsored by Senators ROBLAN, JOHNSON, Representative HACK, Senator DEVLIN, Representatives MCLANE, PARRISH, WILLIAMSON; Senators BURDICK, FERRIOLI, HANSELL, MANNING JR, OLSEN, STEINER HAYWARD, TAYLOR, Representatives BARKER, BARRETO, BOONE, GOMBERG, JOHNSON, KENNEMER, KENY-GUYER, LININGER, MCKEOWN, MCLAIN, NOSSE, POST, RESCHKE, SMITH G, WHISNANT, WITT (at the request of former Senator Chris Edwards and Oregon Lions Sight and Hearing Foundation)

CHAPTER

AN ACT

Relating to vision screenings; creating new provisions; amending ORS 336.211 and 683.030; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 336.211 is amended to read:

336.211. (1) As used in this section:

(a) "Education provider" means:

(A) An entity that offers a program that is recognized as an Oregon prekindergarten program under ORS 329.170 to 329.200.

(B) A school district board.

(b) "Eye examination" means an eye examination that:

(A) Is conducted by a person licensed by the Oregon Board of Optometry under ORS 683.010 to 683.340 or a person licensed by the Oregon Medical Board under ORS chapter 677 and trained in eye surgery and eye disease; and

(B) Involves any diagnosis of the eye and any measurement or assistance of the powers or range of vision of the eye.

(c) "Vision screening" means an eye screening test to identify potential vision health problems that is conducted by:

(A) A person licensed by the Oregon Board of Optometry under ORS 683.010 to 683.340;

(B) A person licensed by the Oregon Medical Board under ORS chapter 677 and trained in eye surgery and eye disease;

(C) A health care practitioner acting in accordance with rules adopted by the State Board of Education; or

(D) A school nurse, an employee of an education provider or a person **or nonprofit entity** designated by the Department of Education to provide vision screening to students who is acting in accordance with rules adopted by the State Board of Education.

(2)(a) Except as provided in subsection (3) of this section, each education provider shall require a student who is seven years of age or younger and who is beginning an educational program with the education provider for the first time to submit certification that the student received:

(A) A vision screening or an eye examination; and

(B) Any further examinations or necessary treatments of the eye or assistance of the powers or range of vision of the eye.

(b) The certification required by this subsection must be provided no later than 120 days after the student begins the educational program.

(3) A student is not required to submit certification as required under subsection (2) of this section if the student provides a statement from the parent or guardian of the student that:

(a) The student submitted certification to a prior education provider; or

(b) The vision screening or eye examination is contrary to the religious beliefs of the student or the parent or guardian of the student.

(4) Each education provider shall:

(a) Ensure that the requirements of this section are met. Failure by a student to meet the requirements of this section may not result in a program's or school's prohibiting the student from attending the program or school, but may result in withholding report cards or similar actions.

(b) File in the student's vision health record any certifications and any results of a vision screening or an eye examination known by the education provider.

(c) Provide the parent or guardian of each student with information about the vision screenings and eye examinations, and information about further examinations or necessary treatments.

(5)(a) Upon application of an education provider that provides students with vision screenings, the Department of Education shall reimburse the education provider for any necessary expenses incurred by the education provider in the provision of the vision screenings, including any expenses related to contracting with a person or nonprofit entity.

(b) An education provider may receive reimbursement under this subsection for the provision of a vision screening to any student of the education provider, regardless of whether the student has complied with subsection (2) or (3) of this section. Nothing in this paragraph removes the requirement that a student must comply with subsection (2) or (3) of this section.

(c) Reimbursements made under this subsection:

(A) May not exceed \$3.20 per vision screening per student per school year.

(B) Must be paid from the Vision Health Account established under section 3 of this 2017 Act.

(C) May not exceed amounts available in the Vision Health Account.

[5] **(6)(a)** The State Board of Education, in consultation with the Oregon Health Policy Board, shall adopt by rule any standards for the implementation of this section.

(b) The State Board of Education shall adopt rules that:

(A) Prescribe the process by which a person or nonprofit entity is designated by the Department of Education to provide vision screenings; and

(B) Establish the process for providing reimbursements under subsection (5) of this section, including the prioritization of education providers to receive a reimbursement if the total amount available for reimbursements exceeds the total amount requested for reimbursements.

SECTION 2. ORS 683.030 is amended to read:

683.030. ORS 683.010 to 683.340 may not be construed:

(1) To prevent any person duly licensed to practice medicine and surgery from treating or fitting glasses to the human eye;

(2) To prohibit the sale of complete ready-to-wear eye glasses as merchandise from a permanent place of business in good faith and not in evasion of ORS 683.010 to 683.340 by any person not purporting to be competent to examine and prescribe for the human eye;

(3) To prohibit vision or eye care practices by persons working under the direct supervision of an optometrist authorized to practice in this state; or

(4) To prohibit vision screening by:

(a) Employees of a school or an education provider as defined in ORS 336.211;

(b) Persons **or nonprofit entities** designated by the Department of Education to provide vision screening to students for the purpose of ORS 336.211; or

(c) Employees of the Department of Transportation.

SECTION 3. (1) The Vision Health Account is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the account shall be credited to the account.

(2) Moneys in the account are continuously appropriated to the Department of Education to make reimbursements to education providers for expenses incurred for the provision of vision screenings, as described in ORS 336.211 (5).

(3) The department, on behalf of the State of Oregon, may solicit and accept gifts, grants and donations from public and private sources for the provision of vision screenings. Moneys received under this subsection shall be deposited into the account.

(4) From the moneys appropriated by the Legislative Assembly to the account each biennium, the department may retain no more than a total of 10 percent of the moneys for administrative expenses incurred by the department in making reimbursements to education providers.

SECTION 4. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Education, for the biennium beginning July 1, 2017, out of the General Fund, the amount of \$1,000,000 to be deposited in the Vision Health Account established by section 3 of this 2017 Act.

SECTION 5. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 3 (1), chapter __, Oregon Laws 2017 (Enrolled Senate Bill 5516), for operations for the biennium beginning July 1, 2017, as the maximum limit for payment of expenses from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Department of Education is increased by \$81,659 for the purpose of making reimbursements as provided under ORS 336.211 (5).

SECTION 6. Notwithstanding any other law limiting expenditures, the limitation on expenditures established by section 6 (3), chapter __, Oregon Laws 2017 (Enrolled Senate Bill 5516), for other grants for the biennium beginning July 1, 2017, as the maximum limit for payment of grants-in-aid, program costs and purchased services from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by the Department of Education for programs is increased by \$918,341 for the purpose of making reimbursements as provided under ORS 336.211 (5).

SECTION 7. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect July 1, 2017.

Passed by Senate July 1, 2017

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House July 6, 2017

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Tina Kotek, Speaker of House

Received by Governor:

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Approved:

.....M,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2017

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Dennis Richardson, Secretary of State