

FIRST REGULAR SESSION

# HOUSE BILL NO. 718

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES PEARCE (Sponsor), JOHNSON (61), JETTON, TILLEY, BRUNS, SWINGER, NOLTE, ROORDA, McGHEE, KUESSNER, WILSON (119), GRILL, RUESTMAN, LAMPE, WETER, SCAVUZZO, DUSENBERG, BROWN (50), SCHAD, AULL, KRAUS, SPRENG, AVERY, BAKER (25), McCLANAHAN, BRINGER, MEADOWS, VILLA, WRIGHT-JONES, WHORTON, ZWEIFEL, FRAME, CASEY, FALLERT, GEORGE, HODGES, SCHIEFFER, SALVA, LOWE (44), KRATKY, SCHOEMEHL, LOW (39), NASHEED, HUGHES, TALBOY, CHAPPELLE-NADAL, NORR, OXFORD, TODD, QUINN (9), SHIVELY, EL-AMIN, DOUGHERTY, CURLS, WALTON, WALSH, WILDBERGER, MEINERS, LIESE, BLAND, CORCORAN, HOLSMAN, VOGT, ROBINSON, DARROUGH, KOMO, JONES (117), FRANZ, SATER AND WRIGHT (Co-sponsors).

Read 1st time February 1, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1757L.01I

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## AN ACT

To repeal section 192.935, RSMo, and to enact in lieu thereof three new sections relating to vision examinations for school children.

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

Section A. Section 192.935, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 167.194, 167.195, and 192.935, to read as follows:

**167.194. 1. Beginning July 1, 2008, every child enrolling in kindergarten or first grade in a public elementary school in this state shall receive one comprehensive vision examination performed by a state licensed optometrist or physician. Evidence of the examination shall be submitted to the school no later than January first of the first year in which the student is enrolled at the school, provided that the evidence submitted in no way violates any provisions of the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. 201 et seq.**

**2. The state board of education, in conjunction with the department of health and senior services, shall promulgate rules establishing the criteria for meeting the**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 requirements of subsection 1 of this section, which may include, but are not limited to,  
11 forms or other proof of such examination, or other rules as are necessary for the  
12 enforcement of this section. The form or other proof of such examination shall include but  
13 not be limited to identifying the result of the examinations performed under subsection 4  
14 of this section, the cost for the examination, the examiners qualifications, and method of  
15 payment through either:

- 16 (1) Insurance;
- 17 (2) The state Medicaid program;
- 18 (3) Complimentary; or
- 19 (4) Other form of payment.

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

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

- 34 (1) Complete case history;
- 35 (2) Visual acuity at distance (aided and unaided);
- 36 (3) External examination and internal examination (ophthalmoscopic examination);
- 37 (4) Subjective refraction to best visual acuity.

38 5. Findings from the evidence of examinations shall be provided to the department  
39 of health and senior services and kept by the optometrist or physician for a period of seven  
40 years.

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

44 7. Pursuant to section 23.253, RSMo, of the Missouri sunset act:

45           (1) The provisions of the new program authorized under this section shall  
46 automatically sunset on June 30, 2012, unless reauthorized by an act of the general  
47 assembly; and

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

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

          167.195. 1. Beginning July 1, 2008, and continuing through the 2011-2012 school  
2 year unless extended by act of the general assembly, all public school districts shall conduct  
3 an eye screening for each student once before the completion of first grade and again  
4 before the completion of third grade. The eye screening method utilized shall be one  
5 approved by the children's vision commission and shall be performed by an appropriately  
6 trained school nurse or other trained and qualified employee of the school district.

7           2. Results of each eye screening shall be recorded on a form provided by the  
8 department of health and senior services, developed and approved by the children's vision  
9 commission.

10           (1) A copy of the screening results, with all individual identifying information  
11 removed, shall be sent to the state department of health and senior services which shall  
12 compile the data contained in the reports for review and analysis by the commission or  
13 other interested parties.

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

24           (3) Notwithstanding any law to the contrary, nothing in this section shall violate  
25 any provision of the Health Insurance Portability and Accountability Act of 1996, 42  
26 U.S.C. 201 et seq.

27           3. The "Children's Vision Commission" is hereby established which shall cease to  
28 exist on June 30, 2012, unless renewed by act of the general assembly.

29           (1) The commission shall be composed of three members appointed by the  
30 governor: one ophthalmologist recommended by the Missouri Society of Eye Physicians  
31 & Surgeons; one optometrist recommended by the Missouri Optometric Association; and  
32 one school nurse recommended by the Missouri School Nurses Association. Each member  
33 of the commission shall serve a sixteen-month term as its chair in rotation, with the  
34 ophthalmologist serving first, followed by the optometrist, and then the school nurse.  
35 Members of the commission shall serve without compensation, but may be reimbursed for  
36 reasonable and necessary expenses associated with carrying out their duties.

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

38           (a) Analyze and adopt one or more standardized eye screening and eye examination  
39 tests to carry out the requirements of this section to be used in all schools beginning with  
40 the 2008-2009 school year which, in the commission's estimation, have a reasonable  
41 expectation of identifying vision problems in children;

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

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

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

53           (e) Develop and produce a brochure outlining the benefits of ongoing eye care for  
54 children and summarizing the signs and symptoms of vision disorders. This brochure shall  
55 be made available to school districts for distribution, at a minimum, to the families of  
56 students who fail the eye screening exam;

57           (f) By December 31, 2011, the commission shall submit a report to the general  
58 assembly detailing the results and findings of the study, including but not limited to the  
59 total number of eye screenings and eye examinations, the number of students who received  
60 a follow-up examination from an optometrist or physician and the results of those  
61 examinations to determine the effectiveness of eye examinations versus eye screenings.

62           4. The department of health and senior services shall make a reasonable  
63 accommodation for public review and inspection of the data collected as part of the eye

64 screening pilot project provided that no information is revealed that could identify any  
65 individual student who was screened or examined.

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

69       **6. The department of health and senior services shall provide funding and staff**  
70 **support to the commission, including but not limited to producing eye screening and**  
71 **examination forms and brochures, printing, collection of data, and production of the final**  
72 **report.**

192.935. 1. There is hereby created in the state treasury the "Blindness Education,  
2 Screening and Treatment Program Fund". The fund shall consist of moneys donated pursuant  
3 to subsection 7 of section 301.020, RSMo, and subsection 3 of section 302.171, RSMo.  
4 Unexpended balances in the fund at the end of any fiscal year shall not be transferred to the  
5 general revenue fund or any other fund, the provisions of section 33.080, RSMo, to the contrary  
6 notwithstanding.

7       2. Subject to the availability of funds in the blindness education, screening and treatment  
8 program fund, the department shall develop a blindness education, screening and treatment  
9 program to provide blindness prevention education and to provide screening and treatment for  
10 persons who do not have adequate coverage for such services under a health benefit plan.

11       3. The program shall provide for:

12       (1) Public education about blindness and other eye conditions;

13       (2) Screenings and eye examinations to identify conditions that may cause blindness;  
14 [and]

15       (3) Treatment procedures necessary to prevent blindness; **and**

16       **(4) Any additional costs for vision examinations under section 167.195, RSMo, that**  
17 **are not covered by existing public health insurance. Subject to appropriations, moneys**  
18 **from the fund shall be used to pay for those additional costs, provided that the costs do not**  
19 **exceed ninety-nine thousand dollars per year. Payment from the fund for vision**  
20 **examinations under section 167.195, RSMo, shall not exceed the allowable state Medicaid**  
21 **reimbursement amount for vision examinations.**

22       4. The department may contract for program development with any department-approved  
23 nonprofit organization dealing with regional and community blindness education, eye donor and  
24 vision treatment services.

25       5. The department may adopt rules to prescribe eligibility requirements for the program.

26           6. No rule or portion of a rule promulgated pursuant to the authority of this section shall  
27 become effective unless it has been promulgated pursuant to the provisions of chapter 536,  
28 RSMo.

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