

SECOND REGULAR SESSION

HOUSE BILL NO. 1333

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SATER.

5291L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

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

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Section A. Sections 167.194 and 167.195, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 167.194 and 167.195, to read as follows:

167.194. 1. Beginning July 1, [2008] **2013**, every child [enrolling in kindergarten or first grade in a public elementary school in this state] **who is referred for a comprehensive vision examination under section 167.195** 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 Public Law 104-191, 42 U.S.C. 201, et seq, Health Insurance Portability and Accountability Act of 1996.

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

(1) Insurance;

(2) The state Medicaid program;

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.

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

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

33 (1) Complete case history;

34 (2) Visual acuity at distance (aided and unaided);

35 (3) External examination and internal examination (ophthalmoscopic examination);

36 (4) Subjective refraction to best visual acuity.

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

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

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

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

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

47 (3) This section shall terminate on September first of the calendar year immediately
48 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 2010-11 school year
2 unless extended by act of the general assembly] **2013**, all public school districts shall conduct
3 an eye screening for each student once before the completion of **kindergarten, once before the**
4 **completion of** first grade, and again before the completion of third grade. The eye screening
5 method utilized shall be one approved by the children's vision commission and shall be

6 performed by an appropriately trained school nurse or other trained and qualified employee of
7 the school district.

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

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

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

26 (3) Notwithstanding any law to the contrary, nothing in this section shall violate any
27 provisions of Public Law 104-191, 42 U.S.C. 201, et seq, Health Insurance Portability and
28 Accountability Act of 1996.

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

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

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

41 (a) Analyze and adopt one or more standardized eye screening and eye examination tests
42 to carry out the requirements of this section to be used in all schools beginning with the
43 [2008-09] **2013-14** school year which, in the commission's estimation, have a reasonable
44 expectation of identifying vision problems in children;

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

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

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

55 (e)] Develop, in conjunction with the Missouri Optometric Association (MOA) and the
56 Missouri Society of Eye Physicians and Surgeons (MOSEPS), guidelines outlining the benefits
57 and ongoing eye care for children and summarizing the signs and symptoms of vision disorders
58 in order for the guidelines to be made available on the MOA and MOSEPS website. The
59 commission shall also consult with MOA and MOSEPS in the organizations' education and
60 promotion of the guidelines;

61 [(f)] (e) By December 31, [2011] **2016**, the commission shall submit a report to the
62 general assembly detailing [the results and findings of the study] **its compliance with this**
63 **section**, including but not limited to the total number of eye screenings [and eye examinations],
64 the number of students who received a follow-up examination from an optometrist,
65 ophthalmologist, physician, or doctor of osteopathy and the results of those examinations [to
66 determine the effectiveness of eye examinations versus eye screenings].

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

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

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

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