

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1936

93RD GENERAL ASSEMBLY

Reported from the Committee on Aging, Families, Mental and Public Health, April 27, 2006, with recommendation that the Senate Committee Substitute do pass.

5526S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 192.935 and 197.291, RSMo, and to enact in lieu thereof three new sections relating to health care, with an expiration date.

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

Section A. Sections 192.935 and 197.291, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 167.195, 192.935,
3 and 197.291, to read as follows:

167.195. 1. Beginning July 1, 2007, every child enrolling in
2 kindergarten or first grade in a public elementary school in this state
3 shall receive one comprehensive vision examination performed by a
4 state licensed optometrist, ophthalmologist, physician, or doctor of
5 osteopathy. The examination, or a copy of a prior examination under
6 this section, shall be submitted to the school no later than January 1 of
7 the first year in which the student is enrolled at the school.

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

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

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

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

38 4. For purposes of this section, the following comprehensive
39 vision examinations shall be performed:

- 40 (1) Complete case history;
- 41 (2) Visual acuity at distance:
 - 42 (a) Unaided (mono plus binocular);
 - 43 (b) Last prescription or habitual prescription (mono plus
 - 44 binocular);
- 45 (3) External examination, including pupil reactivity;
- 46 (4) Internal examination (ophthalmoscopic examination);
- 47 (5) Retinoscopy;
- 48 (6) Refractive status:
 - 49 (a) Subjective refraction to best visual acuity at distance;
 - 50 (b) Subjective refraction at near;
- 51 (7) Measurement of binocularity, including vergences, phoric,
- 52 and accommodative ability;
- 53 (8) Color vision screening;
- 54 (9) Glaucoma screening, including tonometry.

55 **5. Findings from the examination shall be kept by the**
56 **optometrist, ophthalmologist, physician, or doctor of osteopathy for a**
57 **period of six years.**

58 **6. For purposes of this section, the office of any optometrist,**
59 **ophthalmologist, physician, or doctor of osteopathy conducting a**
60 **comprehensive vision examination shall contain, in good working**
61 **condition, the following minimum equipment:**

- 62 **(1) Ophthalmoscope;**
- 63 **(2) Retinoscope or its equivalent;**
- 64 **(3) Tonometer;**
- 65 **(4) Visual Field Testing Device;**
- 66 **(5) Color Vision Testing Device;**
- 67 **(6) Keratometer or its equivalent;**
- 68 **(7) Biomicroscope;**
- 69 **(8) Lenses for subjective testing;**
- 70 **(9) Blood pressure measuring device.**

71 **7. In the event that a parent or legal guardian of a child subject**
72 **to this section shall submit to the appropriate school administrator a**
73 **written request that the child be excused from taking a vision**
74 **examination as provided in this section on the grounds of religious**
75 **beliefs, that child shall be so excused.**

76 **8. Pursuant to section 23.253, RSMo, of the Missouri sunset act:**

77 **(1) The provisions of the new program authorized under this**
78 **section shall automatically sunset four years after the effective date of**
79 **this section unless reauthorized by an act of the general assembly; and**

80 **(2) If such program is reauthorized, the program authorized**
81 **under this section automatically sunset eight years after the effective**
82 **date of the reauthorization of this section; and**

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

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

7 notwithstanding.

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

13 3. The program shall provide for:

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

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

17 (3) Treatment procedures necessary to prevent blindness;

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

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

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

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

197.291. 1. There is hereby established a "Technical Advisory Committee
2 on the Quality of Patient Care and Nursing Practices" within the department of
3 health and senior services. The committee shall be comprised of nine members
4 appointed by the director of the department of health and senior services [on or
5 before December 1, 2000], one of whom shall be a representative of the
6 department of health and senior services and one of whom shall be a
7 representative of the general public. In addition, the director shall appoint three
8 members representing licensed registered nurses from a list of recommended
9 appointees provided by the Missouri Nurses Association, one member

10 representing licensed practical nurses from a list of recommended appointees
11 provided by the Missouri Licensed Practical Nurses Association, two members
12 from a list of recommended appointees provided by the Missouri Hospital
13 Association, and one member representing licensed physicians from a list of
14 recommended appointees provided by the Missouri State Medical Association.

15 2. The committee shall work with hospitals, nurses, physicians, state
16 agencies, community groups and academic researchers to develop specific
17 recommendations related to staffing, improving the quality of patient care, and
18 insuring the safe and appropriate employment of licensed nurses within hospitals
19 and ambulatory surgical centers. The committee shall develop recommendations
20 and submit an annual report based on such recommendations to the governor,
21 chairpersons of standing health and appropriations committees of the general
22 assembly and the department of health and senior services no later than
23 December thirty-first of each year[, beginning in 2001].

24 3. The department of health and senior services shall provide such
25 support as the committee members require to aid it in the performance of its
26 duties.

27 4. Committee members shall not be compensated for their services but
28 shall be reimbursed for their actual and necessary expenses incurred in the
29 performance of their duties.

30 5. The provisions of this section shall expire on December 31, [2006] **2011**.

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