

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 16

94TH GENERAL ASSEMBLY
2007

0236S.03T

AN ACT

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

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Section A. Section 192.935, RSMo, is repealed and three new sections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

167.194. 1. **Beginning July 1, 2008, 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 or physician. Evidence of the examination**
5 **shall be submitted to the school no later than January first of the first**
6 **year in which the student is enrolled at the school, provided that the**
7 **evidence submitted in no way violates any provisions of Public Law**
8 **104-191, 42 U.S.C. 201 et seq, Health Insurance Portability and**
9 **Accountability Act of 1996.**

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

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

19 payment through either:

- 20 (1) Insurance;
- 21 (2) The state Medicaid program;
- 22 (3) Complimentary; or
- 23 (4) Other form of payment.

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

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

- 41 (1) Complete case history;
- 42 (2) Visual acuity at distance (aided and unaided);
- 43 (3) External examination and internal examination
44 (ophthalmoscopic examination);
- 45 (4) Subjective refraction to best visual acuity.

46 5. Findings from the evidence of examination shall be provided
47 to the department of health and senior service and kept by the
48 optometrist or physician for a period of seven years.

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

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

- 54 (1) The provisions of the new program authorized under this
55 section shall automatically sunset on June 30, 2012, unless reauthorized

56 by an act of the general assembly; and

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

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

167.195. 1. Beginning July 1, 2008, and continuing through the
2 2010-2011 school year unless extended by act of the general assembly,
3 all public school districts shall conduct an eye screening for each
4 student once before the completion of first grade and again before the
5 completion of third grade. The eye screening method utilized shall be
6 one approved by the children's vision commission and shall be
7 performed by an appropriately trained school nurse or other trained
8 and qualified employee of the school district.

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

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

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

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

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

37 **(1) The commission shall be composed of seven members**
38 **appointed by the governor: two ophthalmologists to be determined**
39 **from a list of recommended ophthalmologists by the Missouri society**
40 **of eye physicians and surgeons; two optometrists to be determined from**
41 **a list of recommended optometrists by the Missouri optometric**
42 **association; one school nurse; one representative from the department**
43 **of elementary and secondary education; and one representative from**
44 **the Missouri state school boards association. Each ophthalmologist and**
45 **optometrist shall serve a one-year term as chair of the**
46 **commission. Members of the commission shall serve without**
47 **compensation, but may be reimbursed for reasonable and necessary**
48 **expenses associated with carrying out their duties.**

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

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

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

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

64 **(d) Conduct a pilot project to track the results of the eye**
65 **screenings versus eye examinations conducted based on the reports**
66 **submitted by school districts to the department of health and senior**
67 **services;**

68 (e) Develop, in conjunction with the Missouri Optometric
69 Association (MOA) and the Missouri Society of Eye Physicians and
70 Surgeons (MOSEPS), guidelines outlining the benefits and ongoing eye
71 care for children and summarizing the signs and symptoms of vision
72 disorders in order for the guidelines to be made available on the MOA
73 and MOSEPS website. The commission shall also consult with MOA and
74 MOSEPS in the organizations' education and promotion of the
75 guidelines;

76 (f) By December 31, 2011, the commission shall submit a report
77 to the general assembly detailing the results and findings of the study,
78 including but not limited to the total number of eye screenings and eye
79 examinations, the number of students who received a follow-up
80 examination from an optometrist, ophthalmologist, physician, or doctor
81 of osteopathy and the results of those examinations to determine the
82 effectiveness of eye examinations versus eye screenings.

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

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

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

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; and

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.

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