

SECOND REGULAR SESSION

# SENATE BILL NO. 641

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR PEARCE.

Read 1st time January 11, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

5227S.011

## AN ACT

To repeal section 167.194, RSMo, and to enact in lieu thereof one new section relating to vision examinations for school children, with an emergency clause.

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

Section A. Section 167.194, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 167.194, to read as follows:

167.194. 1. Beginning July 1, 2008, every child enrolling in kindergarten  
2 or first grade in a public elementary school in this state shall receive one  
3 comprehensive vision examination performed by a state licensed optometrist or  
4 physician. Evidence of the examination shall be submitted to the school no later  
5 than January first of the first year in which the student is enrolled at the school,  
6 provided that the evidence submitted in no way violates any provisions of Public  
7 Law 104-191, 42 U.S.C. 201, et seq, Health Insurance Portability and  
8 Accountability Act of 1996.

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

- 18 (1) Insurance;  
19 (2) The state Medicaid program;

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

- 20 (3) Complimentary; or  
21 (4) Other form of payment.

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

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

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

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

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

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

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

54 (2) If such program is reauthorized, the program authorized under this  
55 section shall automatically sunset eight years after the effective date of the

56 reauthorization of this section; and

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

Section B. Because of the need to prevent the sunset of the program prior  
2 to the next school year, section A of this act is deemed necessary for the  
3 immediate preservation of the public health, welfare, peace and safety, and is  
4 hereby declared to be an emergency act within the meaning of the constitution,  
5 and section A of this act shall be in full force and effect upon its passage and  
6 approval.

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Bill

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