

Senator Luz Robles proposes the following substitute bill:

**ANNUAL EYE EXAMINATION FOR CHILDREN IN GRADES
KINDERGARTEN THROUGH THREE**

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Robles

House Sponsor: _____

LONG TITLE

General Description:

This bill amends the health examinations required in public schools.

Highlighted Provisions:

This bill:

- ▶ extends the public school vision screening from age seven to age eight;
- ▶ requires a public school that performs vision screening to develop a process to

notify a parent or guardian if a child fails the vision screening or needs follow-up care; and

▶ provides limited immunity to ~~§~~→ **volunteer** ←~~§~~ vision screeners who are trained or supervised by the

State Office of Education;

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-11-203, as last amended by Laws of Utah 2010, Chapter 273



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-11-203** is amended to read:

53A-11-203. Vision screening.

(1) As used in this section, "division" means the Division of Services for the Blind and Visually Impaired, State Office of Education.

~~[(1)]~~ (2) A child under ~~[seven]~~ eight years of age entering school for the first time in this state must present the following to the school:

(a) a certificate signed by a licensed physician, optometrist, or other licensed health professional approved by the division, stating that the child has received vision screening to determine the presence of amblyopia or other visual defects~~[- As used in this section, "division" means the Division of Services for the Blind and Visually Impaired, State Office of Education];~~ or

(b) a written statement signed by at least one parent or legal guardian of the child that the screening violates the personal beliefs of the parent or legal guardian.

~~[(2)]~~ (3) (a) The division ~~§~~ **→** :

(i) ←§ shall provide vision screening report forms to a person approved by the division to conduct a free vision screening for children aged 3-1/2 to ~~[seven]~~ eight ~~§~~ **→** ; and

(ii) may work with health care professionals, teachers, and vision screeners to develop protocols that may be used by a parent, teacher or vision screener to help identify a child who may have conditions that are not detected in a vision screening, such as problems with eye focusing, eye tracking, visual perceptual skills, visual motor integration, and convergence insufficiency; and

(iii) shall, once protocols are established under Subsection (3)(a)(ii), develop language regarding the vision problems identified in Subsection (3)(a)(ii) to be included in the notice required by Subsection (3)(b) ←§ .

(b) The report forms shall include the following information for a parent or guardian: "vision screening is not a substitute for a complete eye exam and vision evaluation by an eye doctor."

~~[(3)]~~ (4) A school district may conduct free vision screening clinics for children aged 3-1/2 to ~~[seven]~~ eight.

~~[(4)]~~ (5) (a) The division shall maintain a central register of children, aged 3-1/2 to ~~[seven]~~ eight, who fail vision screening and who are referred for follow-up treatment.

57 eight.

58 (b) A ~~§~~ **→ volunteer ←** ~~§~~ vision screener providing services under Subsection (6)(a) is not
 58a liable for any
 59 civil damages as a result of acts or omissions related to the vision screening unless the acts or
 60 omissions were willful or grossly negligent.

61 ~~[(6)] (7)~~ (a) Except as provided in Subsection ~~[(6)] (7)~~(b), a licensed health
 62 professional providing vision care to private patients may not participate as a screener in a free
 63 vision screening program provided by a school district.

64 (b) A school district may:

65 (i) allow a licensed health professional who provides vision care to private patients to
 66 participate as a screener in a free vision screening program for a child ~~[eight]~~ nine years of age
 67 or older;

68 (ii) establish guidelines to administer a free vision screening program described in
 69 Subsection ~~[(6)] (7)~~(b)(i); and

70 (iii) establish penalties for a violation of the requirements of Subsection ~~[(6)] (7)~~(c).

71 (c) A licensed health professional or other person who participates as a screener in a
 72 free vision screening program described in Subsection ~~[(6)] (7)~~(b):

73 (i) may not market, advertise, or promote the licensed health professional's business in
 74 connection with providing the free screening at the school; and

75 (ii) shall provide the child's results of the free vision screening on a form produced by
 76 the school or school district, which:

77 (A) may not include contact information other than the name of the licensed health
 78 professional[-]; and

79 (B) shall include a statement: "vision screening is not a substitute for a complete eye
 80 exam and vision evaluation by an eye doctor."

81 (d) A school district may provide information to a parent or guardian of the availability
 82 of follow up vision services for a student.

83 ~~[(7)] (8)~~ (8) The Department of Health shall[-];

84 (a) by rule, set standards and procedures for vision screening required by this chapter[-;
 85 and shall], which shall include a process for notifying the parent or guardian of a child who
 86 fails a vision screening or is identified as needing follow-up care; and

87 (b) provide the division with copies of rules, standards, instructions, and test charts