

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

3 2011 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Luz Robles**

6 House Sponsor: Rebecca P. Edwards

8 **LONG TITLE**

9 **General Description:**

10 This bill amends the health examinations required in public schools.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ extends the public school vision screening from age seven to age eight;
- 14 ▶ requires a public school that performs vision screening to develop a process to
- 15 notify a parent or guardian if a child fails the vision screening or needs follow-up
- 16 care; and
- 17 ▶ provides limited immunity to volunteer vision screeners who are trained or
- 18 supervised by the State Office of Education;

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **53A-11-203**, as last amended by Laws of Utah 2010, Chapter 273

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

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

29 **53A-11-203. Vision screening.**

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

32 ~~[(1)]~~ (2) A child under ~~[seven]~~ eight years of age entering school for the first time in
33 this state must present the following to the school:

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

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

41 ~~[(2)]~~ (3) (a) The division:

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

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

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

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

55 ~~[(3)]~~ (4) A school district may conduct free vision screening clinics for children aged
56 3-1/2 to ~~[seven]~~ eight.

57 ~~[(4)]~~ (5) (a) The division shall maintain a central register of children, aged 3-1/2 to

58 [~~seven~~] eight, who fail vision screening and who are referred for follow-up treatment.

59 (b) The register described in Subsection [~~(4)~~] (5)(a) shall include the name of the child,
60 age or birthdate, address, cause for referral, and follow-up results.

61 (c) A school district shall report referral follow-up results for children aged 3-1/2 to
62 [~~seven~~] eight to the division.

63 [~~(5)~~] (6) (a) The division shall coordinate and supervise the training of a person who
64 serves as a vision screener for a free vision screening clinic for children aged 3-1/2 to [~~seven~~]
65 eight.

66 (b) A volunteer vision screener providing services under Subsection (6)(a) is not liable
67 for any civil damages as a result of acts or omissions related to the vision screening unless the
68 acts or omissions were willful or grossly negligent.

69 [~~(6)~~] (7) (a) Except as provided in Subsection [~~(6)~~] (7)(b), a licensed health
70 professional providing vision care to private patients may not participate as a screener in a free
71 vision screening program provided by a school district.

72 (b) A school district may:

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

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

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

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

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

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

85 (A) may not include contact information other than the name of the licensed health

86 professional[-]; and

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

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

91 [~~(7)~~] (8) The Department of Health shall[-];

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

95 (b) provide the division with copies of rules, standards, instructions, and test charts
96 necessary for conducting vision screening.

97 [~~(8)~~] (9) The division shall supervise screening, referral, and follow-up required by this
98 chapter.