

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: Rebecca P. Edwards

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



1st Sub. S.B. 67

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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.

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

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

55 [~~(5)~~] (6) (a) The division shall coordinate and supervise the training of a person who
56 serves as a vision screener for a free vision screening clinic for children aged 3-1/2 to [~~seven~~]

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) 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

88 necessary for conducting vision screening.

89 [~~8~~] 9 The division shall supervise screening, referral, and follow-up required by this

90 chapter.

FISCAL NOTE

S.B. 67 1st Sub. (Green)

SHORT TITLE: Annual Eye Examination for Children in Grades Kindergarten Through Three

SPONSOR: Robles, L.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Local education agencies (LEAs) currently provide free vision screenings for students through age 7 using a mix of volunteer and paid professional screeners. Extending the screenings to age 8 may increase the total number of screenings provided and result in additional costs to LEAs that use paid screeners. Assuming all LEAs use paid screeners the total increased cost may be \$1.4 million.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.