

**HOUSE . . . . . No. 528**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Martin J. Walsh**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to asthma screening.

PETITION OF:

NAME:

Martin J. Walsh

DISTRICT/ADDRESS:

13th Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 590 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT RELATIVE TO ASTHMA SCREENING.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Section 57 of Chapter 71 of the General Laws is hereby amended by striking  
2 out the first paragraph in its entirety and inserting in place thereof the following:

3           The committee, or the board of health in those municipalities where school health  
4 services are the responsibility of the board of health, shall cause every child in the public  
5 schools, and at the individual request of a parent or guardian of a pupil in a private school which  
6 has been approved under section one of chapter seventy-six, and which does not discriminate in  
7 its entrance requirements on the basis of race or color cause such pupil to be separately and  
8 carefully examined in such manner and at such intervals, including original entry, as may be  
9 determined by the department of public health after consultation with the department of  
10 education and the medical profession, to ascertain defects in sight or hearing, postural and other  
11 physical defects tending to prevent his receiving the full benefit of his school work, or requiring  
12 a modification of the same in order to prevent injury to the child or to secure the best education  
13 results, including an asthma screening, and to ascertain defects of the feet which might

14 unfavorably influence the child's health or physical efficiency, or both, during childhood,  
15 adolescence and adult years, and shall require a physical record of each child to be kept in such  
16 forms as prescribed by the provisions of section one hundred and eighty-five A of chapter one  
17 hundred and eleven. Tests ascertaining postural defects shall be administered at least once  
18 annually in grades five through nine. Tests of sight and hearing and postural defects shall be  
19 performed by teachers, physicians, optometrists, nurses or other personnel who are approved by  
20 the department of public health for the purpose, and the examination of feet shall be made by the  
21 school physicians or by podiatrists, in accordance with regulations set up by the department.  
22 Upon entering kindergarten or within 30 days of the start of the school year, the parent or  
23 guardian of each child shall present to school health personnel certification that the child within  
24 the previous 12 months has passed a vision screening conducted by personnel approved by the  
25 department of public health and trained in vision screening techniques to be developed by the  
26 department of public health in consultation with the department of education. For children who  
27 fail to pass the vision screening and for children diagnosed with neurodevelopmental delay,  
28 proof of a comprehensive eye examination performed by a licensed optometrist or  
29 ophthalmologist chosen by the child's parent or guardian indicating any pertinent diagnosis,  
30 treatment, prognosis, recommendation and evidence of follow-up treatment, if necessary, shall  
31 be provided. Any child shall be exempt on religious grounds from these examinations upon  
32 written request of parent or guardian on condition that the laws and regulations relating to  
33 communicable diseases shall not be violated.