

An Act

ENROLLED SENATE
BILL NO. 1319

By: Seifried of the Senate

and

Newton of the House

An Act relating to vision screenings; creating the Public School Vision Screening Modernization Revolving Fund; specifying type of fund and sources of monies; providing for expenditure of funds for certain purposes; authorizing the State Department of Health to award grants for certain purposes; requiring submission of certain annual report; amending 70 O.S. 2021, Section 1210.284, as amended by Section 1, Chapter 112, O.S.L. 2022 (70 O.S. Supp. 2023, Section 1210.284), which relates to public school vision screenings; requiring certain standards to permit use of electronic eye chart; defining term; requiring electronic eye chart to meet certain standards and guidelines; directing the Department to maintain certain platform and data management system subject to available funding; requiring certain sharing of information; updating statutory language; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Vision screenings

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-114.21 of Title 63, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Public

School Vision Screening Modernization Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies deposited to the credit of the fund by law or from private funds donated for one or both of the purposes listed in this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Health for the following purposes:

1. Awarding grants to public schools as provided by Section 2 of this act; and

2. Collection of necessary vision screening data including, but not limited to, through the cloud-based platform and data management system described in Section 1210.284 of Title 70 of the Oklahoma Statutes.

Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-114.22 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The State Department of Health may award grants to public schools from the Public School Vision Screening Modernization Revolving Fund created in Section 1 of this act for the purpose of assisting public schools in obtaining vision screening equipment, collecting vision screening data, and obtaining related services to fulfill the requirements of Section 1210.284 of Title 70 of the Oklahoma Statutes.

B. The State Department of Health shall electronically submit an annual report on all grants awarded under this section to the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor by January 15 of each year.

SECTION 3. AMENDATORY 70 O.S. 2021, Section 1210.284, as amended by Section 1, Chapter 112, O.S.L. 2022 (70 O.S. Supp. 2023, Section 1210.284), is amended to read as follows:

Section 1210.284. A. 1. The parent or guardian of each student enrolled in kindergarten at a public school in this state shall provide certification to school personnel that the student passed a vision screening within the previous twelve (12) months or during the school year. Such screening shall be conducted by personnel listed on the statewide registry as maintained by the State Department of Health, which may include, but not be limited to, Oklahoma licensed optometrists and ophthalmologists.

2. The parent or guardian of each student enrolled in first or third grade at a public school in this state shall provide within thirty (30) days of the beginning of the school year certification to school personnel that the student passed a vision screening within the previous twelve (12) months. Such screening shall be conducted by personnel listed on the statewide registry as maintained by the State Department of Health; provided, Oklahoma licensed optometrists and ophthalmologists shall be exempt from such standards.

3. The parent or guardian of each student who receives a vision screening as required by this section shall receive notification that a vision screening is not the equivalent of a comprehensive eye exam.

B. 1. The Infant and Children's Health Advisory Council created in Section 1-103a.1 of Title 63 of the Oklahoma Statutes shall make recommendations to the State ~~Board~~ Commissioner of Health on:

- a. standards for vision screening and referral; provided, Oklahoma licensed optometrists and ophthalmologists shall be exempt from such standards,
- b. qualifications for initial recognition and renewal of recognition of vision screeners,
- c. qualifications for initial recognition and renewal of recognition of vision screener trainers,
- d. qualifications for initial recognition and renewal of recognition of trainers of vision screener trainers; provided, Oklahoma licensed optometrists and

ophthalmologists shall be exempt from any training requirements, and

- e. grounds for denial, refusal, suspension or revocation of recognition of vision screeners, vision screener trainers and trainers of vision screener trainers.

2. The Department shall:

- a. establish and thereafter maintain a statewide registry, available via the Internet, which shall contain a list of approved vision screeners,
- b. maintain a list of approved vision screener trainers and trainers of vision screener trainers, ~~and~~
- c. maintain the standards for vision screening and referral. Such standards shall permit the use of an electronic eye chart as a substitute for a printed eye chart to assess relative visual acuity. As used in this subparagraph, "electronic eye chart" means any computerized or other electronic system, device, automated computer program, or method of displaying on an electronic screen medically accepted and properly sized optotypes, which may be letters, numbers, or symbols, that is used to assess an individual's visual acuity. An electronic eye chart shall meet national standards of care and shall meet the guidelines established by the 2016 version, or most recent version if updated, of the Procedures for the Evaluation of the Visual System by Pediatricians produced by the American Academy of Pediatrics, and
- d. subject to availability of funds, maintain a cloud-based platform and data management system that is compliant with the Health Insurance Portability and Accountability Act of 1996 and the Family Educational Rights and Privacy Act of 1974 to collect individual student screening results from each school district, manage and report on compliance, and act as an analytical platform for screening outcomes. The State Department of Education shall share vision screening

results and any other relevant information with the State Department of Health for the purpose of implementing this subparagraph. The agencies shall enter into an interagency agreement for the sharing of information as provided by this subparagraph.

3. After notice and hearing, the ~~Department~~ State Department of Health may deny, refuse, suspend or revoke approval to an applicant who has a history of:

- a. noncompliance or incomplete or partial compliance with the provisions of this section or the rules adopted by the ~~Board~~ Commissioner to implement the provisions of this section,
- b. referring persons to a business in which the applicant has a financial interest or a business which is owned or operated by someone within the third degree of consanguinity or affinity of the applicant, or
- c. conduct which demonstrates that the applicant is providing services in a manner which does not warrant public trust.

4. The ~~Board~~ Commissioner, giving consideration to the recommendations of the Council, shall promulgate rules to implement the provisions of this section.

C. 1. The parent or guardian of each student who fails the vision screening required in subsection A of this section shall receive a recommendation to undergo a comprehensive eye examination performed by an ophthalmologist or optometrist.

2. The ophthalmologist or optometrist shall forward a written report of the results of the comprehensive eye examination to the student's school, parent or guardian, and primary health care provider designated by the parent or guardian. The report shall include, but not be limited to:

- a. date of report,
- b. name, address and date of birth of the student,

- c. name of the student's school,
- d. type of examination,
- e. a summary of significant findings, including diagnoses, medication used, duration of action of medication, treatment, prognosis, whether or not a return visit is recommended and, if so, when,
- f. recommended educational adjustments for the child, if any, which may include: preferential seating in the classroom, eyeglasses for full-time use in school, eyeglasses for part-time use in school, sight-saving eyeglasses, and any other recommendations, and
- g. name, address and signature of the examiner.

D. No student shall be prohibited from attending school for a parent's or guardian's failure to furnish a report of the student's vision screening or an examiner's failure to furnish the results of a student's comprehensive eye examination required by this section.

E. School districts shall notify parents or guardians of students who enroll in kindergarten, first, or third grade for the 2007-08 school year and each year thereafter of the requirements of this section.

F. The State Board of Education shall adopt rules for the implementation of this section except as provided in subsection B of this section. The State Department of Education shall issue a report annually on the impact and effectiveness of this section.

SECTION 4. This act shall become effective July 1, 2024.

SECTION 5. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 29th day of May, 2024.

Presiding Officer of the Senate

Passed the House of Representatives the 30th day of May, 2024.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____