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April 4, 2022

ENGROSSED HOUSE  
BILL NO. 3823

By: Newton of the House

and

Rosino of the Senate

An Act relating to schools; amending 70 O.S. 2021, Section 1210.284, which relates to vision screening; specifying that optometrists and ophthalmologists may perform screening; adding certain exemptions; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2021, 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 ~~44 of this act~~ 1-103a.1 of Title 63 of the Oklahoma Statutes shall make recommendations to the State Board 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;

1           provided, Oklahoma licensed optometrists and  
2           ophthalmologists shall be exempt from any training  
3           requirements, and

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

7        2.   The Department shall:

8           a.    establish and thereafter maintain a statewide  
9                registry, available via the Internet, which shall  
10              contain a list of approved vision screeners,

11          b.    maintain a list of approved vision screener trainers  
12                and trainers of vision screener trainers, and

13          c.    maintain the standards for vision screening and  
14                referral.

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

18          a.    noncompliance or incomplete or partial compliance with  
19                the provisions of this section or the rules adopted by  
20                the Board to implement the provisions of this section,

21          b.    referring persons to a business in which the applicant  
22                has a financial interest or a business which is owned  
23                or operated by someone within the third degree of  
24                consanguinity or affinity of the applicant, or

1           c.     conduct which demonstrates that the applicant is  
2                 providing services in a manner which does not warrant  
3                 public trust.

4           4.    The Board, giving consideration to the recommendations of  
5   ~~the Infant and Children's Health Advisory Council created in Section~~  
6   ~~44 of this act,~~ shall promulgate rules to implement the provisions  
7   of this section.

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

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

- 17           a.    date of report,  
18           b.    name, address and date of birth of the student,  
19           c.    name of the student's school,  
20           d.    type of examination,  
21           e.    a summary of significant findings, including  
22                 diagnoses, medication used, duration of action of  
23                 medication, treatment, prognosis, whether or not a  
24                 return visit is recommended and, if so when,

1 f. recommended educational adjustments for the child, if  
2 any, which may include: preferential seating in the  
3 classroom, eyeglasses for full-time use in school,  
4 eyeglasses for part-time use in school, sight-saving  
5 eyeglasses, and any other recommendations, and

6 g. name, address and signature of the examiner.

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

11 E. School districts shall notify parents or guardians of  
12 students who enroll in kindergarten, first, or third grade for the  
13 2007-08 school year and each year thereafter of the requirements of  
14 this section.

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

19 SECTION 2. This act shall become effective November 1, 2022.

20 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
21 April 4, 2022 - DO PASS  
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