

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1319

By: Seifried

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5  
6 AS INTRODUCED

7 An Act relating to vision screenings; creating the  
8 Public School Vision Screening Modernization  
9 Revolving Fund; specifying type of fund and sources  
10 of monies; providing for expenditure of funds for  
11 certain purposes; authorizing the State Department of  
12 Health to award grants for certain purposes;  
13 requiring submission of certain annual report;  
14 amending 70 O.S. 2021, Section 1210.284, as amended  
15 by Section 1, Chapter 112, O.S.L. 2022 (70 O.S. Supp.  
16 2023, Section 1210.284), which relates to public  
17 school vision screenings; requiring certain standards  
18 to permit use of electronic eye chart; defining term;  
19 directing the Department to maintain certain platform  
20 and data management system; updating statutory  
21 language; providing for codification; providing an  
22 effective date; and declaring an emergency.

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

24 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,

1 and shall consist of all monies deposited to the credit of the fund  
2 by law or from private funds donated for one or both of the purposes  
3 listed in this section. All monies accruing to the credit of the  
4 fund are hereby appropriated and may be budgeted and expended by the  
5 State Department of Health for the following purposes:

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

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

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

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

19 A. The State Department of Health may award grants to public  
20 schools from the Public School Vision Screening Modernization  
21 Revolving Fund created in Section 1 of this act for the purpose of  
22 assisting public schools in obtaining vision screening equipment,  
23 collecting vision screening data, and obtaining related services to  
24

1 fulfill the requirements of Section 1210.284 of Title 70 of the  
2 Oklahoma Statutes.

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

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

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

18 2. The parent or guardian of each student enrolled in first or  
19 third grade at a public school in this state shall provide within  
20 thirty (30) days of the beginning of the school year certification  
21 to school personnel that the student passed a vision screening  
22 within the previous twelve (12) months. Such screening shall be  
23 conducted by personnel listed on the statewide registry as  
24 maintained by the State Department of Health; provided, Oklahoma

1 licensed optometrists and ophthalmologists shall be exempt from such  
2 standards.

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

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

- 11 a. standards for vision screening and referral; provided,  
12 Oklahoma licensed optometrists and ophthalmologists  
13 shall be exempt from such standards,
- 14 b. qualifications for initial recognition and renewal of  
15 recognition of vision screeners,
- 16 c. qualifications for initial recognition and renewal of  
17 recognition of vision screener trainers,
- 18 d. qualifications for initial recognition and renewal of  
19 recognition of trainers of vision screener trainers;  
20 provided, Oklahoma licensed optometrists and  
21 ophthalmologists shall be exempt from any training  
22 requirements, and

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

4 2. The Department shall:

- 5 a. establish and thereafter maintain a statewide  
6 registry, available via the Internet, which shall  
7 contain a list of approved vision screeners,  
8 b. maintain a list of approved vision screener trainers  
9 and trainers of vision screener trainers, ~~and~~  
10 c. maintain the standards for vision screening and  
11 referral. Such standards shall permit the use of an  
12 electronic eye chart as a substitute for a printed eye  
13 chart to assess relative visual acuity. As used in  
14 this subparagraph, "electronic eye chart" means any  
15 computerized or other electronic system, device, or  
16 method of displaying on an electronic screen medically  
17 accepted and properly sized optotypes, which may be  
18 letters, numbers, or symbols, that is used to assess  
19 an individual's visual acuity. Electronic eye chart  
20 does not include an automated computer program that  
21 assesses an individual's visual acuity through the  
22 individual's interaction with the program by playing a  
23 game, and

1           d. maintain a cloud-based platform and data management  
2           system that is compliant with the Health Insurance  
3           Portability and Accountability Act of 1996 and the  
4           Family Educational Rights and Privacy Act of 1974 to  
5           collect individual student screening results from each  
6           school district, manage and report on compliance, and  
7           act as an analytical platform for screening outcomes.

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

10           a. noncompliance or incomplete or partial compliance with  
11           the provisions of this section or the rules adopted by  
12           the ~~Board~~ Commissioner to implement the provisions of  
13           this section,

14           b. referring persons to a business in which the applicant  
15           has a financial interest or a business which is owned  
16           or operated by someone within the third degree of  
17           consanguinity or affinity of the applicant, or

18           c. conduct which demonstrates that the applicant is  
19           providing services in a manner which does not warrant  
20           public trust.

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

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

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

- 10 a. date of report,
  - 11 b. name, address and date of birth of the student,
  - 12 c. name of the student's school,
  - 13 d. type of examination,
  - 14 e. a summary of significant findings, including  
15 diagnoses, medication used, duration of action of  
16 medication, treatment, prognosis, whether or not a  
17 return visit is recommended and, if so, when,
  - 18 f. recommended educational adjustments for the child, if  
19 any, which may include: preferential seating in the  
20 classroom, eyeglasses for full-time use in school,  
21 eyeglasses for part-time use in school, sight-saving  
22 eyeglasses, and any other recommendations, and
  - 23 g. name, address and signature of the examiner.
- 24  
25

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

5 E. School districts shall notify parents or guardians of  
6 students who enroll in kindergarten, first, or third grade for the  
7 2007-08 school year and each year thereafter of the requirements of  
8 this section.

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

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

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

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