

# SENATE BILL 604

J1, F1, C3

7lr2883  
CF HB 458

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By: **Senators Bates, Eckardt, Ready, ~~and Salling~~ Salling, and Robinson**

Introduced and read first time: February 2, 2017

Assigned to: Education, Health, and Environmental Affairs and Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2017

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Visual Impairments – Requirements for ~~Teacher~~ School Personnel Training,**  
3 **Student Screening, and Maryland Medical Assistance Program Coverage**

4 FOR the purpose of ~~requiring, on or before a certain date, the Professional Standards and~~  
5 ~~Teacher Education Board to require a certificate holder applying for renewal of a~~  
6 ~~certificate as a teacher to complete a course on understanding and recognizing the~~  
7 ~~symptoms of visual impairments; requiring the Board to approve a course that meets~~  
8 ~~certain criteria; requiring the Board to adopt certain regulations;~~ requiring a vision  
9 screening provided to certain students in public schools to include the administration  
10 of a computerized screening for visual impairments that includes, at a minimum,  
11 certain tests; requiring the Department of Health and Mental Hygiene to fund and  
12 provide to certain county health departments the equipment for a certain required  
13 computerized screening for visual impairments; ~~requiring a computerized screening~~  
14 ~~for visual impairments to be given each year to each student who has an~~  
15 ~~individualized education program;~~ requiring the results of a certain computerized  
16 screening for visual impairments to be made part of a certain record, given to the  
17 parents of certain students, and reported to certain entities; requiring a parent or  
18 guardian to report, on a certain form, to certain entities on the recommended services  
19 received by a student who may have possible symptoms of a visual impairment;  
20 requiring the county board of education or the county health department to report to  
21 the Department of Health and Mental Hygiene the results of computerized  
22 screenings for visual impairments; exempting a student whose parent or guardian  
23 objects to a certain vision screening on certain grounds from taking the screening;  
24 requiring each county board of education, on or before a certain date, to require  
25 certain school personnel to complete training on understanding and recognizing the

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 symptoms of visual impairments; requiring each county board to approve a course  
 2 that meets certain criteria; requiring certain school personnel to complete certain  
 3 training within a certain period of time; requiring the Maryland Medical Assistance  
 4 Program to provide, beginning on a certain date and subject to a certain limitation  
 5 and as permitted by federal law, vision rehabilitation and habilitation for certain  
 6 individuals; and generally relating to teacher school personnel training, student  
 7 screening, and medical coverage for visual impairments.

8 ~~BY adding to~~

9 ~~Article – Education~~

10 ~~Section 6-704.2~~

11 ~~Annotated Code of Maryland~~

12 ~~(2014 Replacement Volume and 2016 Supplement)~~

13 BY repealing and reenacting, with amendments,

14 Article – Education

15 Section 7-404

16 Annotated Code of Maryland

17 (2014 Replacement Volume and 2016 Supplement)

18 ~~BY repealing and reenacting, without amendments,~~

19 ~~Article – Health – General~~

20 ~~Section 15-103(a)(1)~~

21 ~~Annotated Code of Maryland~~

22 ~~(2015 Replacement Volume and 2016 Supplement)~~

23 ~~BY repealing and reenacting, with amendments,~~

24 ~~Article – Health – General~~

25 ~~Section 15-103(a)(2)~~

26 ~~Annotated Code of Maryland~~

27 ~~(2015 Replacement Volume and 2016 Supplement)~~

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 29 That the Laws of Maryland read as follows:

30 **Article – Education**

31 ~~**6-704.2.**~~

32 ~~**(A) ON OR BEFORE JULY 1, 2018, THE BOARD SHALL REQUIRE A**~~  
 33 ~~**CERTIFICATE HOLDER APPLYING FOR RENEWAL OF A CERTIFICATE AS A TEACHER**~~  
 34 ~~**TO COMPLETE A COURSE ON UNDERSTANDING AND RECOGNIZING SYMPTOMS OF**~~  
 35 ~~**VISUAL IMPAIRMENTS, INCLUDING VISUAL PROCESSING DISORDERS AND**~~  
 36 ~~**BINOCULAR PROCESSING DISORDERS.**~~

1 ~~(B) THE BOARD SHALL APPROVE A COURSE REQUIRED UNDER THIS~~  
2 ~~SECTION THAT:~~

3 ~~(1) IS DESIGNED FOR EDUCATORS;~~

4 ~~(2) HAS BEEN IN USE FOR AT LEAST 5 YEARS;~~

5 ~~(3) IS TAKEN ONLINE AND COMPLIES WITH § 508 OF THE FEDERAL~~  
6 ~~REHABILITATION ACT OF 1973;~~

7 ~~(4) SATISFIES PROFESSIONAL DEVELOPMENT REQUIREMENTS; AND~~

8 ~~(5) PROVIDES INFORMATION AND TRAINING ON EDUCATION AND~~  
9 ~~CLASSROOM DEVELOPMENT ACTIVITIES RELATING TO VISUAL PROCESSING~~  
10 ~~DISORDERS.~~

11 ~~(C) THE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS~~  
12 ~~SECTION.~~

13 7-404.

14 (a) (1) (I) Each county board or county health department shall provide  
15 hearing and vision screenings for all students in the public schools.

16 (II) 1. A VISION SCREENING SHALL INCLUDE THE  
17 ADMINISTRATION OF A COMPUTERIZED SCREENING THAT IS DESIGNED TO DETECT  
18 POSSIBLE SYMPTOMS OF VISUAL IMPAIRMENTS.

19 2. A COMPUTERIZED SCREENING FOR VISUAL  
20 IMPAIRMENTS SHALL INCLUDE, AT MINIMUM, THE FOLLOWING TESTS:

21 A. INTERPUPILLARY DISTANCE;

22 B. FIXATION DURATION;

23 C. STATIC VISUAL ACUITY, MONOCULAR AND  
24 BINOCULAR;

25 D. VON GRAEFE VERTICAL VERGENCE;

26 E. VON GRAEFE HORIZONTAL VERGENCE;

27 F. ACCOMMODATION AC/A;

28 G. CONVERGENCE;

- 1                   **H. DIVERGENCE;**
- 2                   **I. SUPRAVERGENCE;**
- 3                   **J. INFRAVERGENCE;**
- 4                   **K. EYE DOMINANCE;**
- 5                   **L. COLOR DEFICIENCY, MONOCULAR AND BINOCULAR;**
- 6                   **M. GRATINGS CONTRAST SENSITIVITY, MONOCULAR AND**  
 7 **BINOCULAR; AND**
- 8                   **N. FIELD OF VIEW RANGE AND RECOGNITION, 30**  
 9 **DEGREE.**

10                   (2) (I) [Each] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF**  
 11 **THIS PARAGRAPH, EACH** county health department shall provide and fund hearing and  
 12 vision screenings for all students:

13                   [(i)] 1. In any private school that has received a certificate of  
 14 approval under § 2-206 of this article; and

15                   [(ii)] 2. In any nonpublic educational facility in this State  
 16 approved as a special education facility by the Department.

17                   **(II) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE**  
 18 **SHALL FUND AND PROVIDE TO EACH COUNTY HEALTH DEPARTMENT THE**  
 19 **EQUIPMENT FOR THE COMPUTERIZED SCREENING FOR VISUAL IMPAIRMENTS**  
 20 **REQUIRED UNDER THIS SUBSECTION.**

21                   (b) (1) ~~(I) [Unless] SUBJECT TO SUBPARAGRAPH (II) OF THIS~~  
 22 ~~PARAGRAPH, UNLESS~~ evidence is presented that a student has been tested within the  
 23 past year, the screenings required under subsection (a) of this section shall be given in the  
 24 year that a student enters a school system, enters the first grade, and enters the eighth or  
 25 ninth grade.

26                   ~~(II) IN ADDITION TO THE REQUIREMENTS OF SUBPARAGRAPH~~  
 27 ~~(I) OF THIS PARAGRAPH, A COMPUTERIZED SCREENING FOR VISUAL IMPAIRMENTS~~  
 28 ~~SHALL BE GIVEN EACH YEAR TO EACH STUDENT WHO HAS AN INDIVIDUALIZED~~  
 29 ~~EDUCATION PROGRAM.~~

30                   (2) Further screening shall be done in accordance with:

- 1 (i) The bylaws adopted by the State Board; or  
2 (ii) Policies adopted by a county board or a county health  
3 department.

4 (c) The results of the hearing and vision screenings **AND COMPUTERIZED**  
5 **SCREENING FOR VISUAL IMPAIRMENTS** required by this section shall be:

6 (1) Made a part of the permanent record file of each student;

7 (2) Given to the parents of any student who [fails]:

8 **(I) FAILS the screenings; OR**

9 **(II) MAY HAVE POSSIBLE SYMPTOMS OF A VISUAL IMPAIRMENT;**  
10 and

11 (3) Reported to the county board or the county health department.

12 (d) On a form provided by the county board or the county health department, a  
13 parent or guardian shall report to the county board or the county health department on the  
14 recommended services received by a student who failed the screenings **OR WHO MAY HAVE**  
15 **POSSIBLE SYMPTOMS OF A VISUAL IMPAIRMENT.**

16 (e) The county board or the county health department shall report to the  
17 Department of Health and Mental Hygiene the results of the hearing and vision screenings  
18 **AND COMPUTERIZED SCREENINGS FOR VISUAL IMPAIRMENTS** and, to the extent  
19 practicable, the number of students receiving the recommended services.

20 (f) In cooperation with the Department of Health and Mental Hygiene, the  
21 Department of Education shall adopt standards, rules, and regulations to carry out the  
22 provisions of this section.

23 (g) A student whose parent or guardian objects in writing to hearing and vision  
24 screening **OR A COMPUTERIZED SCREENING FOR VISUAL IMPAIRMENTS** on the ground  
25 that it conflicts with the tenets and practice of a recognized church or religious  
26 denomination of which he is an adherent or member may not be required to take these  
27 screenings.

28 **(H) (1) ON OR BEFORE JULY 1, 2018, EACH COUNTY BOARD SHALL**  
29 **REQUIRE SCHOOL PERSONNEL WHO CONDUCT VISION SCREENINGS FOR STUDENTS**  
30 **IN ACCORDANCE WITH THIS SECTION TO COMPLETE TRAINING ON UNDERSTANDING**  
31 **AND RECOGNIZING THE SYMPTOMS OF VISUAL IMPAIRMENTS, INCLUDING VISUAL**  
32 **PROCESSING DISORDERS AND BINOCULAR PROCESSING DISORDERS.**

1           **(2) EACH COUNTY BOARD SHALL APPROVE A COURSE REQUIRED**  
 2 **UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT:**

3                   **(I) IS DESIGNED FOR EDUCATORS;**

4                   **(II) HAS BEEN IN USE FOR AT LEAST 5 YEARS; AND**

5                   **(III) IS TAKEN ONLINE AND COMPLIES WITH § 508 OF THE**  
 6 **FEDERAL REHABILITATION ACT OF 1973.**

7           **(3) NEW SCHOOL PERSONNEL REQUIRED TO COMPLETE THE**  
 8 **TRAINING UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL COMPLETE THE**  
 9 **TRAINING WITHIN 2 YEARS AFTER THE DATE OF HIRE.**

10                                   **Article — Health — General**

11 ~~15-103.~~

12           ~~(a) (1) The Secretary shall administer the Maryland Medical Assistance~~  
 13 ~~Program.~~

14                   ~~(2) The Program:~~

15                           ~~(i) Subject to the limitations of the State budget, shall provide~~  
 16 ~~medical and other health care services for indigent individuals or medically indigent~~  
 17 ~~individuals or both;~~

18                           ~~(ii) Shall provide, subject to the limitations of the State budget,~~  
 19 ~~comprehensive medical and other health care services for all eligible pregnant women~~  
 20 ~~whose family income is at or below 250 percent of the poverty level, as permitted by the~~  
 21 ~~federal law;~~

22                           ~~(iii) Shall provide, subject to the limitations of the State budget,~~  
 23 ~~comprehensive medical and other health care services for all eligible children currently~~  
 24 ~~under the age of 1 whose family income falls below 185 percent of the poverty level, as~~  
 25 ~~permitted by federal law;~~

26                           ~~(iv) Beginning on January 1, 2012, shall provide, subject to the~~  
 27 ~~limitations of the State budget, family planning services to all women whose family income~~  
 28 ~~is at or below 200 percent of the poverty level, as permitted by federal law;~~

29                           ~~(v) Shall provide, subject to the limitations of the State budget,~~  
 30 ~~comprehensive medical and other health care services for all children from the age of 1 year~~  
 31 ~~up through and including the age of 5 years whose family income falls below 133 percent of~~  
 32 ~~the poverty level, as permitted by the federal law;~~

1 ~~(vi) Beginning on January 1, 2014, shall provide, subject to the~~  
2 ~~limitations of the State budget, comprehensive medical care and other health care services~~  
3 ~~for all children who are at least 6 years of age but are under 19 years of age whose family~~  
4 ~~income falls below 133 percent of the poverty level, as permitted by federal law;~~

5 ~~(vii) Shall provide, subject to the limitations of the State budget,~~  
6 ~~comprehensive medical care and other health care services for all legal immigrants who~~  
7 ~~meet Program eligibility standards and who arrived in the United States before August 22,~~  
8 ~~1996, the effective date of the federal Personal Responsibility and Work Opportunity~~  
9 ~~Reconciliation Act, as permitted by federal law;~~

10 ~~(viii) Shall provide, subject to the limitations of the State budget and~~  
11 ~~any other requirements imposed by the State, comprehensive medical care and other health~~  
12 ~~care services for all legal immigrant children under the age of 18 years and pregnant women~~  
13 ~~who meet Program eligibility standards and who arrived in the United States on or after~~  
14 ~~August 22, 1996, the effective date of the federal Personal Responsibility and Work~~  
15 ~~Opportunity Reconciliation Act;~~

16 ~~(ix) Beginning on January 1, 2014, shall provide, subject to the~~  
17 ~~limitations of the State budget, and as permitted by federal law, medical care and other~~  
18 ~~health care services for adults whose annual household income is at or below 133 percent~~  
19 ~~of the poverty level;~~

20 ~~(x) BEGINNING ON JANUARY 1, 2018, SHALL PROVIDE,~~  
21 ~~SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET AND AS PERMITTED BY~~  
22 ~~FEDERAL LAW, VISION REHABILITATION AND HABILITATION FOR ALL INDIVIDUALS~~  
23 ~~WHOSE FAMILY INCOME FALLS BELOW 133 PERCENT OF THE POVERTY LEVEL;~~

24 ~~[(x)] (XI) Subject to the limitations of the State budget, and as~~  
25 ~~permitted by federal law;~~

26 ~~1. Shall provide comprehensive medical care and other~~  
27 ~~health care services for former foster care adolescents who, on their 18th birthday, were in~~  
28 ~~foster care under the responsibility of the State and are not otherwise eligible for Program~~  
29 ~~benefits;~~

30 ~~2. May provide comprehensive medical care and other health~~  
31 ~~care services for former foster care adolescents who, on their 18th birthday, were in foster~~  
32 ~~care under the responsibility of any other state or the District of Columbia; and~~

33 ~~3. May provide comprehensive dental care for former foster~~  
34 ~~care adolescents who, on their 18th birthday, were in foster care under the responsibility~~  
35 ~~of the State;~~

36 ~~[(xi)] (XII) May include bedside nursing care for eligible Program~~  
37 ~~recipients; and~~

1 ~~[(xii)] (XIII) Shall provide services in accordance with funding~~  
2 ~~restrictions included in the annual State budget bill.~~

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
4 1, 2017.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.