

HOUSE BILL 1375

F1, J1

0lr3042

By: **Delegate Hill**

Introduced and read first time: February 7, 2020

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public School Students – Vision Services and the Vision for Maryland Program**

3 FOR the purpose of establishing certain health specialist positions in the State Department
4 of Education and the Maryland Department of Health; specifying the responsibilities
5 of the health specialists; providing for the funding of the health specialist positions;
6 altering the grades in which county boards of education or county health
7 departments must provide vision and hearing screenings for students in public
8 schools; requiring the results of certain screenings to be reported to a certain county
9 board and county health department and, under certain circumstances, shared with
10 a student's primary care provider; requiring each county board to ensure that certain
11 students receive eye examinations and, under certain circumstances, eyeglasses;
12 authorizing a county board to coordinate with the Vision for Maryland Program or
13 certain other entities to meet certain requirements; requiring each county board or
14 county health department to provide additional vision screenings for certain
15 students under certain circumstances; establishing the Vision for Maryland
16 Program; requiring the Maryland Department of Health to carry out the Program in
17 consultation with certain entities; requiring the Program to provide eye
18 examinations and eyeglasses to certain students under certain circumstances;
19 requiring certain services to be provided in a certain manner; requiring the Program
20 to assist a certain parent or guardian with obtaining certain vision services under
21 certain circumstances; requiring the Department to develop a certain fee schedule
22 and certain standards; authorizing the Program to bill a certain student's insurance
23 provider and charge a certain fee to a certain parent or guardian; authorizing the
24 Program to receive funding from certain sources; requiring the Program to report
25 certain information to certain committees of the General Assembly on or before a
26 certain date each year; and generally relating to vision services for students in public
27 schools.

28 BY adding to
29 Article – Education
30 Section 7–401.1

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2018 Replacement Volume and 2019 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article – Education
5 Section 7–404
6 Annotated Code of Maryland
7 (2018 Replacement Volume and 2019 Supplement)

8 BY adding to
9 Article – Health – General
10 Section 2–107.1; and 13–4101 to be under the new subtitle “Subtitle 41. Vision for
11 Maryland Program”
12 Annotated Code of Maryland
13 (2019 Replacement Volume)

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

16 **Article – Education**

17 **7–401.1.**

18 **(A) THERE IS A HEALTH SPECIALIST POSITION IN THE DEPARTMENT.**

19 **(B) THE HEALTH SPECIALIST, IN COORDINATION WITH THE HEALTH
20 SPECIALIST IN THE MARYLAND DEPARTMENT OF HEALTH, SHALL:**

21 **(1) DEVELOP THE INFRASTRUCTURE FOR AND COLLECT, ANALYZE,
22 AND RESPOND TO DATA TRENDS CONCERNING STUDENT HEALTH SERVICES IN
23 MARYLAND PUBLIC SCHOOLS;**

24 **(2) ENSURE THAT STUDENTS RECEIVE NECESSARY VISION AND
25 AUDITORY EXAMINATIONS, EYEGASSES, AND HEARING AIDS; AND**

26 **(3) ENSURE THAT QUALITY AND EFFECTIVE SCHOOL HEALTH
27 SERVICES ARE DELIVERED THROUGHOUT THE STATE.**

28 **(C) (1) THE HEALTH SPECIALIST SHALL BE A NEW POSITION
29 ESTABLISHED IN ADDITION TO THE EXISTING STAFF POSITIONS IN THE
30 DEPARTMENT.**

31 **(2) THE HEALTH SPECIALIST POSITION SHALL BE FULLY FUNDED
32 USING:**

1 **(I) FUNDS ALLOCATED TO INITIATIVES ENCOMPASSED IN THE**
2 **RECOMMENDATIONS OF THE COMMISSION ON INNOVATION AND EXCELLENCE IN**
3 **EDUCATION;**

4 **(II) NEW FEDERAL REVENUES; OR**

5 **(III) NON-STATE GRANTS.**

6 **(3) FUNDING FOR THE HEALTH SPECIALIST POSITION SHALL BE**
7 **SUPPLEMENTAL TO, AND MAY NOT SUPPLANT, FUNDS APPROPRIATED TO THE**
8 **DEPARTMENT FOR OTHER PURPOSES.**

9 7-404.

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

12 (2) Each county health department shall provide and fund hearing and
13 vision screenings for all students:

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

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

18 (b) (1) Unless evidence is presented that a student has been tested by an
19 optometrist or ophthalmologist within the past year, the screenings required under
20 subsection (a) of this section shall be given [in]:

21 **(I) IN the year that a student enters a school system[, enters the**
22 **first grade, and enters the eighth or ninth grade];**

23 **(II) AT LEAST TWICE DURING GRADES 1 THROUGH 5; AND**

24 **(III) AT LEAST ONCE DURING GRADES 6 THROUGH 8.**

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

26 (i) The bylaws adopted by the State Board; or

27 (ii) Policies adopted by a county board or a county health
28 department.

29 (c) (1) The results of the hearing and vision screenings required by this section

1 shall be:

2 (i) Made a part of the permanent record file of each student;

3 (ii) Given to the parents or guardians of each student, with
4 educational materials that include the following:

5 1. A disclaimer that a vision screening is not a substitute for
6 a comprehensive eye exam performed by an optometrist or ophthalmologist;

7 2. An overview of visual impairments and an explanation of
8 the potential educational impact of untreated visual impairments; and

9 3. A list of at-risk groups that are encouraged to have a
10 comprehensive eye examination by an optometrist or ophthalmologist; [and]

11 (iii) Reported to the county board [or] AND the county health
12 department; AND

13 **(IV) IF REQUESTED BY A STUDENT'S PRIMARY CARE PROVIDER,**
14 **WITH THE WRITTEN CONSENT OF THE PARENT OR GUARDIAN OF THE STUDENT,**
15 **SHARED WITH THE PRIMARY CARE PROVIDER.**

16 (2) Additional information shall be provided to the parents or guardians of
17 a student who fails the vision screening that includes:

18 (i) Notice that the results of the screening indicate that the student
19 may have a vision disorder;

20 (ii) A recommendation to the parent or guardian that the student be
21 tested by an optometrist or ophthalmologist;

22 (iii) A description of the warning signs, symptoms, risk factors, and
23 behavioral problems associated with vision disorders or eye conditions;

24 (iv) A description of the difference between eye examinations and the
25 vision screenings required under this section;

26 (v) Information on how to enroll in the Maryland Medical Assistance
27 Program; and

28 (vi) Information on locally available free or low-cost nonprofit
29 programs that provide eye examinations and eyeglasses for children, if any.

30 (d) On a form provided by the county board or the county health department, a
31 parent or guardian shall report to the county board or the county health department on

1 the recommended services received by a student who failed the screenings.

2 **(E) (1) EACH COUNTY BOARD SHALL ENSURE THAT THE FOLLOWING**
3 **STUDENTS RECEIVE AN EYE EXAMINATION AND, IF RECOMMENDED BY THE**
4 **EXAMINING OPTOMETRIST OR OPHTHALMOLOGIST, EYEGLASSES:**

5 **(I) STUDENTS WHO FAILED THE VISION SCREENING REQUIRED**
6 **UNDER THIS SECTION;**

7 **(II) STUDENTS WHOSE PARENTS OR GUARDIANS RECEIVED THE**
8 **NOTICE REQUIRED UNDER SUBSECTION (C) OF THIS SECTION; AND**

9 **(III) STUDENTS WHO DID NOT RECEIVE THE RECOMMENDED**
10 **SERVICES.**

11 **(2) A COUNTY BOARD MAY COORDINATE WITH THE VISION FOR**
12 **MARYLAND PROGRAM ESTABLISHED UNDER § 13-4101 OF THE HEALTH – GENERAL**
13 **ARTICLE OR ANY OTHER PUBLIC, PRIVATE, OR NONPROFIT ENTITY TO MEET THE**
14 **REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION.**

15 **(F) IN ADDITION TO THE VISION SCREENINGS PROVIDED UNDER**
16 **SUBSECTION (A) OF THIS SECTION, EACH COUNTY BOARD OR COUNTY HEALTH**
17 **DEPARTMENT SHALL PROVIDE A VISION SCREENING FOR A STUDENT IN A PUBLIC**
18 **SCHOOL WHO:**

19 **(1) HAS AN INDIVIDUALIZED EDUCATION PROGRAM, AS DEFINED IN §**
20 **8-408 OF THIS ARTICLE, OR A 504 PLAN, AS PROVIDED UNDER THE FEDERAL**
21 **REHABILITATION ACT OF 1973, WHEN:**

22 **(I) THE PROGRAM OR PLAN FOR THE STUDENT IS**
23 **ESTABLISHED; OR**

24 **(II) THE PARENT OR GUARDIAN NOTIFIES THE SCHOOL THAT**
25 **THERE IS A CHANGE TO THE STUDENT’S MEDICAL HISTORY THAT IS EXPECTED TO:**

26 **1. AFFECT THE STUDENT FOR MORE THAN 2 WEEKS; AND**

27 **2. ABSENT INTERVENTION, NEGATIVELY IMPACT FOR**
28 **AN EXTENDED PERIOD OF TIME THE STUDENT’S:**

29 **A. ACADEMIC PERFORMANCE;**

30 **B. SOCIAL INTERACTIONS; OR**

1 **C. ABILITY TO MEET SCHOOL EXPECTATIONS OR**
 2 **REQUIREMENTS;**

3 **(2) IS IDENTIFIED AS HAVING PROBLEM BEHAVIOR AND IN NEED OF A**
 4 **BEHAVIOR INTERVENTION PLAN, AS DEFINED IN § 7-1101 OF THIS TITLE; OR**

5 **(3) IS NOT DEMONSTRATING GRADE-APPROPRIATE SKILL AND**
 6 **CONTENT MASTERY AND WHOSE ACADEMIC PERFORMANCE CONTINUES TO DECLINE**
 7 **DESPITE INTERVENTION BY THE SCHOOL.**

8 **[(e)] (G)** (1) The county board or the county health department shall report
 9 to the Maryland Department of Health:

10 (i) The results of the hearing and vision screenings; and

11 (ii) To the extent practicable, the number of students receiving the
 12 recommended services.

13 (2) The Maryland Department of Health shall:

14 (i) Review the reports submitted under this subsection; and

15 (ii) In counties where fewer than 50% of students who have failed
 16 the screenings are receiving the recommended services, coordinate with the county board
 17 or the county health department to implement measures to improve the number of students
 18 receiving the recommended services.

19 **[(f)] (H)** In cooperation with the Maryland Department of Health, the
 20 Department of Education shall adopt standards, rules, and regulations to carry out the
 21 provisions of this section.

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

26 **Article – Health – General**

27 **2-107.1.**

28 **(A) THERE IS A HEALTH SPECIALIST POSITION IN THE DEPARTMENT.**

29 **(B) THE HEALTH SPECIALIST, IN COORDINATION WITH THE HEALTH**
 30 **SPECIALIST IN THE STATE DEPARTMENT OF EDUCATION, SHALL:**

1 (4) **THE MARYLAND OPTOMETRIC ASSOCIATION.**

2 (c) (1) **THE PROGRAM SHALL PROVIDE:**

3 (i) **EYE EXAMINATIONS TO PUBLIC SCHOOL STUDENTS WHO**
4 **FAIL THE VISION SCREENING REQUIRED UNDER § 7-404 OF THE EDUCATION**
5 **ARTICLE; AND**

6 (ii) **EYEGASSES, IF DETERMINED NECESSARY BY THE RESULTS**
7 **OF THE EYE EXAMINATION UNDER ITEM (I) OF THIS PARAGRAPH.**

8 (2) **THE SERVICES PROVIDED UNDER PARAGRAPH (1) OF THIS**
9 **SUBSECTION SHALL BE PROVIDED:**

10 (i) **REGARDLESS OF THE STUDENT'S OR THE PARENT OR**
11 **GUARDIAN OF THE STUDENT'S ABILITY TO PAY FOR THE SERVICES;**

12 (ii) **ON THE PREMISES OF THE SCHOOL IN WHICH THE STUDENT**
13 **IS ENROLLED OR AT ANOTHER ACCESSIBLE LOCATION IF SUFFICIENT HOURS AND**
14 **TRANSPORTATION ARE PROVIDED; AND**

15 (iii) **AFTER THE PROGRAM RECEIVES WRITTEN CONSENT FOR**
16 **THE EXAMINATION FROM THE STUDENT'S PARENT OR GUARDIAN.**

17 (d) **IF A STUDENT NEEDS VISION SERVICES, AS DETERMINED BY THE**
18 **RESULTS OF THE EYE EXAMINATION UNDER SUBSECTION (C)(1)(I) OF THIS SECTION,**
19 **THAT THE PROGRAM DOES NOT PROVIDE, THE PROGRAM SHALL ASSIST THE**
20 **STUDENT'S PARENT OR GUARDIAN WITH OBTAINING THE VISION SERVICES THE**
21 **STUDENT NEEDS, INCLUDING AT LOW OR NO COST TO THE STUDENT'S PARENT OR**
22 **GUARDIAN.**

23 (e) **THE DEPARTMENT SHALL DEVELOP:**

24 (1) **A FEE SCHEDULE FOR THE SERVICES OR EYEGASSES PROVIDED**
25 **BY THE PROGRAM BASED ON A PARENT'S OR GUARDIAN'S ABILITY TO PAY; AND**

26 (2) **STANDARDS THAT THE PROGRAM SHALL USE TO ADMINISTER THE**
27 **FEE SCHEDULE.**

28 (f) **THE PROGRAM MAY:**

29 (1) **BILL A STUDENT'S INSURANCE PROVIDER FOR THE SERVICES OR**

1 EYEGASSES PROVIDED BY THE PROGRAM; AND

2 (2) CHARGE A FEE BASED ON THE FEE SCHEDULE AND STANDARDS
3 DEVELOPED BY THE DEPARTMENT UNDER SUBSECTION (E) OF THIS SECTION TO A
4 PARENT OR GUARDIAN OF A STUDENT TO WHOM THE PROGRAM PROVIDED
5 SERVICES OR EYEGASSES.

6 (G) THE PROGRAM MAY RECEIVE FUNDING FROM THE FOLLOWING
7 SOURCES:

8 (1) STATE APPROPRIATIONS;

9 (2) GRANTS OR OTHER ASSISTANCE FROM LOCAL EDUCATION
10 AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION;

11 (3) FEDERAL GRANTS; AND

12 (4) ANY OTHER GRANTS OR CONTRIBUTIONS FROM PUBLIC OR
13 PRIVATE ENTITIES.

14 (H) ON OR BEFORE JANUARY 1, 2022, AND EACH JANUARY 1 THEREAFTER,
15 THE PROGRAM SHALL REPORT ON THE NUMBER OF STUDENTS WHO RECEIVED EYE
16 EXAMINATIONS, EYEGASSES, OR VISION REHABILITATION IN THE IMMEDIATELY
17 PRECEDING CALENDAR YEAR TO THE SENATE FINANCE COMMITTEE AND THE
18 HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE IN ACCORDANCE
19 WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
21 1, 2020.