
By: **Delegates Heller, Bartlett, Bozman, Cryor, Gilleland, Goodwin, Gordon,
Healey, Hixson, King, McKee, Patterson, and Ross**

Introduced and read first time: February 10, 2006

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Scoliosis Screening in Public Schools - Repeal**

3 FOR the purpose of repealing certain provisions of law that require a public school
4 system to provide scoliosis screening; repealing the immunity provided to
5 certain persons who perform scoliosis screening; and generally relating to the
6 repeal of scoliosis screening in public schools.

7 BY repealing

8 Article - Courts and Judicial Proceedings

9 Section 5-616

10 Annotated Code of Maryland

11 (2002 Replacement Volume and 2005 Supplement)

12 BY repealing

13 Article - Education

14 Section 2-206(k), 7-405, and 7-416(a)(2)(ii)

15 Annotated Code of Maryland

16 (2004 Replacement Volume and 2005 Supplement)

17 BY renumbering

18 Article - Education

19 Section 2-206(l) and (m) and 7-416(a)(2)(iii) through (vi), respectively
20 to be Section 2-206(k) and (l) and 7-416(a)(ii) through (v), respectively

21 Annotated Code of Maryland

22 (2004 Replacement Volume and 2005 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

24 MARYLAND, That the Laws of Maryland read as follows:

1

Article - Courts and Judicial Proceedings

2 [5-616.

3 A person who performs any scoliosis screening required under § 7-405 of the
4 Education Article is not liable for any civil damages resulting from acts or omissions
5 in the screening not amounting to gross negligence.]

6

Article - Education

7 2-206.

8 [(k) (1) Each noncollegiate educational institution, in conjunction with the
9 county health department, shall provide scoliosis screening tests for all of their
10 students at least once in grades 6 through 8.

11 (2) Each noncollegiate educational institution shall comply with the
12 provisions of § 7-405(c) through (e) of this article.]

13 [7-405.

14 (a) In this section, "scoliosis" means a lateral curvature of the spine, which can
15 develop into a permanent crippling disability if left untreated.

16 (b) Each public school system in conjunction with the county health
17 department shall provide scoliosis screening tests for all students in that public
18 school at least once in grades 6 through 8.

19 (c) If a student is suspected of having scoliosis, a copy of the screening report
20 shall be:

21 (1) Given to the parent or guardian of the student with information
22 about:

23 (i) The condition of idiopathic scoliosis;

24 (ii) The significance of treating scoliosis at an early stage; and

25 (iii) Services available for treatment after diagnosis; and

26 (2) Sent to the county health department.

27 (d) The county health department shall:

28 (1) Ascertain if the services recommended based on the results of the
29 scoliosis screening have been obtained;

30 (2) Determine if additional services are needed; and

1 (3) Report the results of the scoliosis screening and the number of
2 students receiving the recommended services to the Department of Health and
3 Mental Hygiene.

4 (e) A student whose parent or guardian objects in writing to the screening
5 may not be required to be screened.

6 (f) A person who performs any screening required by this section shall have
7 the immunity from liability described under § 5-616 of the Courts and Judicial
8 Proceedings Article.]

9 7-416.

10 (a) (2) The range of services provided by the nurse practitioner, physician
11 assistant, or other appropriate health care provider with appropriate physician
12 collaboration should, to the extent feasible, include:

13 (ii) Selected screening tests, including scoliosis screening;]

14 SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 2-206(l) and
15 (m) and 7-416(a)(2)(iii) through (vi), respectively, of Article - Education of the
16 Annotated Code of Maryland be renumbered to be Section(s) 2-206(k) and (l) and
17 7-416(a)(ii) through (v), respectively.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2006.