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

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Assigned to: Ways and Means

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Committee Report: Favorable

House action: Adopted

Read second time: March 20, 2006

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CHAPTER \_\_\_\_\_

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)

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

3 **Article - Courts and Judicial Proceedings**

4 [5-616.

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

8 **Article - Education**

9 2-206.

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

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

15 [7-405.

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

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

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

23 (1) Given to the parent or guardian of the student with information  
24 about:

25 (i) The condition of idiopathic scoliosis;

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

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

28 (2) Sent to the county health department.

29 (d) The county health department shall:

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

32 (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.