

# HOUSE BILL 458

J1, F1, C3

71r0890  
CF 71r2883

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By: **Delegates Kittleman, D. Barnes, Buckel, Ciliberti, Flanagan, Miele, A. Miller, W. Miller, Moon, Morgan, Patterson, Platt, Reznik, Rose, Shoemaker, and C. Wilson**

Introduced and read first time: January 26, 2017

Assigned to: Ways and Means and Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Visual Impairments – Requirements for Teacher Training, Student Screening,**  
3 **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 the Maryland Medical Assistance Program to provide, beginning on a  
25 certain date and subject to a certain limitation and as permitted by federal law,  
26 vision rehabilitation and habilitation for certain individuals; and generally relating  
27 to teacher training, student screening, and medical coverage for visual impairments.

28 BY adding to

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Education  
2 Section 6–704.2  
3 Annotated Code of Maryland  
4 (2014 Replacement Volume and 2016 Supplement)

5 BY repealing and reenacting, with amendments,  
6 Article – Education  
7 Section 7–404  
8 Annotated Code of Maryland  
9 (2014 Replacement Volume and 2016 Supplement)

10 BY repealing and reenacting, without amendments,  
11 Article – Health – General  
12 Section 15–103(a)(1)  
13 Annotated Code of Maryland  
14 (2015 Replacement Volume and 2016 Supplement)

15 BY repealing and reenacting, with amendments,  
16 Article – Health – General  
17 Section 15–103(a)(2)  
18 Annotated Code of Maryland  
19 (2015 Replacement Volume and 2016 Supplement)

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

22 **Article – Education**

23 **6–704.2.**

24 **(A) ON OR BEFORE JULY 1, 2018, THE BOARD SHALL REQUIRE A**  
25 **CERTIFICATE HOLDER APPLYING FOR RENEWAL OF A CERTIFICATE AS A TEACHER**  
26 **TO COMPLETE A COURSE ON UNDERSTANDING AND RECOGNIZING SYMPTOMS OF**  
27 **VISUAL IMPAIRMENTS, INCLUDING VISUAL PROCESSING DISORDERS AND**  
28 **BINOCULAR PROCESSING DISORDERS.**

29 **(B) THE BOARD SHALL APPROVE A COURSE REQUIRED UNDER THIS**  
30 **SECTION THAT:**

31 **(1) IS DESIGNED FOR EDUCATORS;**

32 **(2) HAS BEEN IN USE FOR AT LEAST 5 YEARS;**

33 **(3) IS TAKEN ONLINE AND COMPLIES WITH § 508 OF THE FEDERAL**  
34 **REHABILITATION ACT OF 1973;**



- 1                   **L. COLOR DEFICIENCY, MONOCULAR AND BINOCULAR;**  
 2                   **M. GRATINGS CONTRAST SENSITIVITY, MONOCULAR AND**  
 3 **BINOCULAR; AND**  
 4                   **N. FIELD OF VIEW RANGE AND RECOGNITION, 30**  
 5 **DEGREE.**

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

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

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

13                               **(II) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE**  
 14 **SHALL FUND AND PROVIDE TO EACH COUNTY HEALTH DEPARTMENT THE**  
 15 **EQUIPMENT FOR THE COMPUTERIZED SCREENING FOR VISUAL IMPAIRMENTS**  
 16 **REQUIRED UNDER THIS SUBSECTION.**

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

22                               **(II) IN ADDITION TO THE REQUIREMENTS OF SUBPARAGRAPH**  
 23 **(I) OF THIS PARAGRAPH, A COMPUTERIZED SCREENING FOR VISUAL IMPAIRMENTS**  
 24 **SHALL BE GIVEN EACH YEAR TO EACH STUDENT WHO HAS AN INDIVIDUALIZED**  
 25 **EDUCATION PROGRAM.**

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

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

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

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

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

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

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

4 (II) **MAY HAVE POSSIBLE SYMPTOMS OF A VISUAL IMPAIRMENT;**

5 and

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

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

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

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

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

### 23 Article – Health – General

24 15–103.

25 (a) (1) The Secretary shall administer the Maryland Medical Assistance  
26 Program.

27 (2) The Program:

28 (i) Subject to the limitations of the State budget, shall provide  
29 medical and other health care services for indigent individuals or medically indigent  
30 individuals or both;

31 (ii) Shall provide, subject to the limitations of the State budget,  
32 comprehensive medical and other health care services for all eligible pregnant women

1 whose family income is at or below 250 percent of the poverty level, as permitted by the  
2 federal law;

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

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

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

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

18 (vii) Shall provide, subject to the limitations of the State budget,  
19 comprehensive medical care and other health care services for all legal immigrants who  
20 meet Program eligibility standards and who arrived in the United States before August 22,  
21 1996, the effective date of the federal Personal Responsibility and Work Opportunity  
22 Reconciliation Act, as permitted by federal law;

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

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

33 **(X) BEGINNING ON JANUARY 1, 2018, SHALL PROVIDE,**  
34 **SUBJECT TO THE LIMITATIONS OF THE STATE BUDGET AND AS PERMITTED BY**  
35 **FEDERAL LAW, VISION REHABILITATION AND HABILITATION FOR ALL INDIVIDUALS**  
36 **WHOSE FAMILY INCOME FALLS BELOW 133 PERCENT OF THE POVERTY LEVEL;**

37 ~~[(x)]~~ **(XI)** Subject to the limitations of the State budget, and as  
38 permitted by federal law:

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

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

8                   3.     May provide comprehensive dental care for former foster  
9 care adolescents who, on their 18th birthday, were in foster care under the responsibility  
10 of the State;

11                   [(xi)] (XII)   May include bedside nursing care for eligible Program  
12 recipients; and

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

15                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
16 1, 2017.