

Department of Legislative Services
 Maryland General Assembly
 2022 Session

FISCAL AND POLICY NOTE
 First Reader

House Bill 1233 (Delegate Hill)
 Ways and Means

Public Schools - Health and Vision Services - Required Screenings and Eye Examinations

This bill requires local boards of education or local health departments (LHDs) to provide vision screenings to specified students and to ensure students who fail a vision screening receive an eye examination and, if recommended, eyeglasses. The bill further requires that, before a student may enroll in public school, the student must return a completed eye examination form to the local board or LHD. The bill also establishes a Pediatric Vision Program, to facilitate communication between pediatric optometrists and ophthalmologists and school health professionals, and the Vision for Maryland Program, to expand the services provided by Vision to Learn (VTL) to every county in the State. The Governor must include an appropriation of at least \$2.0 million annually to VTL for the Vision for Maryland Program. **The bill takes effect July 1, 2022.**

Fiscal Summary

State Effect: Beginning in FY 2023, general fund expenditures increase by *at least* \$2.0 million to provide funding to VTL for the Vision for Maryland Program and by \$206,200 for administrative costs for the Maryland State Department of Education (MSDE) and the Maryland Department of Health (MDH). Medicaid expenditures (general and federal funds) increase by an additional indeterminate amount beginning in FY 2023 (not shown below). **This bill establishes a mandated appropriation beginning in FY 2024.**

(in dollars)	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	2,206,200	2,237,700	2,244,600	2,251,100	2,258,200
Net Effect	(\$2,206,200)	(\$2,237,700)	(\$2,244,600)	(\$2,251,100)	(\$2,258,200)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Expenditures for local boards of education and LHDs increase significantly beginning in FY 2023 to provide additional vision screenings and ensure each student who fails a screening receives an eye examination or eyeglasses as required. Local revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Potential minimal.

Analysis

Bill Summary:

Eye Examinations

Under the bill, unless evidence is presented that a student has been tested by an optometrist or ophthalmologist within the past year, each local board or LHD must administer screenings the year that a student enters the third or fourth grade (in addition to the year the student enters a school system, first grade, and eighth or ninth grade under current law).

In addition to vision screenings at regular intervals, each local board or LHD must provide a vision screening for a public school student who:

- has an individualized education program (IEP) or a 504 plan;
- is identified as having problem behavior and in need of a behavior intervention plan and despite such a plan continues to exhibit problem behavior;
- has demonstrated a decline in grade-appropriate skill and content mastery and whose academic performance continues to decline despite other interventions by the school; or
- has a change in medical history that is expected to affect the student for more than two weeks and, absent intervention, negatively impact the student's academic performance, social interactions, or ability to meet school expectations or requirements for an extended period of time.

If a student fails a vision screening or shows signs and symptoms during the screening that justify an eye examination, each local board must ensure that the student receives an eye examination and, if recommended by the examining optometrist or ophthalmologist, receives eyeglasses. A local board may coordinate with the Vision for Maryland Program or any other public, private, or nonprofit entity to ensure specified students receive eye examinations and eyeglasses.

Health Forms and Documentation

Generally, if a local board creates a student health form that requires completion by a licensed health care provider, the form must include a place to describe (1) any identified health issues that may interfere with the student's academic performance and (2) the plan to address the student's health issues.

If a student provides documentation of having been tested by an optometrist or ophthalmologist within the past year, certain information must be included in the student's school health record, including (1) the results of any tests or screenings; (2) any recommendation for eyeglasses or other vision supports; and (3) whether the student received the recommended eyeglasses or vision supports.

In addition to other information required under current law, the parent or guardian of a student who fails a vision screening must receive (1) a list of optometrists and ophthalmologists who participate in the Pediatric Vision Program and (2) an eye examination form to be completed and returned after the student receives an eye examination. If a student does not return the eye examination form to the local board or the LHD within 30 days after receipt, the school must notify the student support team where the student attends school.

When a student registers for school, the local board or LHD must provide parents or guardians with (1) specified educational material about vision screenings, comprehensive eye examinations, and untreated visual impairments; (2) an eye examination form; and (3) a list of optometrists and ophthalmologists who participate in the Pediatric Vision Program. The eye examination form must be returned to the local board or LHD before the student may be enrolled in school.

Pediatric Vision Program

MSDE and MDH must develop and adopt regulations to implement a central repository system modeled on the vision program in the Motor Vehicle Administration (MVA) that allows (1) pediatric optometrists and ophthalmologists to report the results of required eye examinations and (2) school health staff to access the results of the examinations. MSDE must provide notice of the program to pediatric optometrists and ophthalmologists across the State and establish a list of pediatric optometrists and ophthalmologists who agree to participate in the program.

Vision for Maryland Program

The bill establishes a Vision for Maryland Program to expand to each county VTL vision support services for public school students who have not received such services through

health insurance or other means. VTL must administer the program in consultation with the State Superintendent of Schools and the Secretary of Health (or their designees). Primary contacts for school-based health centers (SBHCs) within MSDE and MDH must ensure the implementation and oversight of the Vision for Maryland Program.

The program must enable VTL to expand its services to five counties in the State each fiscal year until VTL services are available in every county in the State. For each fiscal year, the Governor must include in the annual budget bill an appropriation of at least \$2.0 million to VTL for the program. The program may also receive funding from grants or other assistance from local education agencies and institutions of higher education, federal grants, and any other grants or contributions from public or private entities.

Mandated Reports and Evaluations

By August 1, 2027, and annually thereafter, the Vision for Maryland Program must report to the Senate Finance Committee and the House Health and Government Operations Committee on the number of counties the program enabled VTL to expand to and the number of public school students who received vision support services through the program in the immediately preceding fiscal year.

Uncodified language requires the Maryland State School Health Council to evaluate how the council can partner with various stakeholders to address issues that may arise when students are inadequately equipped to learn due to vision and hearing difficulties.

By July 1, 2023, MSDE and MDH must examine and report to the Senate Finance Committee and the House Health and Government Operations Committee on the number of public school students with hearing difficulties who have not received the auditory aids that are necessary for them to learn and whether auditory support programs would help students who have hearing difficulties.

Current Law:

Required Hearing and Vision Screenings

Each local board of education or LHD must provide hearing and vision screenings for all students in local public schools, and each LHD must provide and fund the screenings for private and nonpublic schools in the jurisdiction. Unless evidence is presented that a student has been tested within the past year, the screenings must take place in the years that a child enters a school system, enters the first grade, and enters the eighth or ninth grade. Further screenings must be done in accordance with the bylaws adopted by the State Board of Education or policies adopted by a local board of education or LHD. A student whose parent or guardian objects in writing to a hearing or vision screening on religious grounds may not be required to take the screening.

Results of screenings go in each child's permanent record and are reported to the local board of education or LHD. Additionally, the parents or guardians of each student must be provided with the results of the hearing and vision screenings, regardless of whether the student passes or fails the screenings, as well as educational materials that include (1) a disclaimer that a vision screening is not a substitute for a comprehensive eye examination; (2) an overview of visual impairments and an explanation of the potential educational impact of untreated visual impairments; and (3) a list of at-risk groups that are encouraged to have a comprehensive eye examination.

Additional information must be provided to the parents or guardians of a student who fails the vision screening that includes (1) notice that the results of the screening indicate that the student may have a vision disorder; (2) a recommendation that the student be tested by an optometrist or an ophthalmologist; (3) a description of the warning signs, symptoms, risk factors, and behavioral problems associated with vision disorders or eye conditions; (4) a description of the difference between eye examinations and vision screenings; (5) information on how to enroll in Medicaid; and (6) information on locally available free or low-cost programs that provide eye examinations and eyeglasses for children, if any.

The parent or guardian of a student who does not pass a screening must report on the recommended services received by the student, and the report must be submitted on a form provided by the local board of education or LHD. The local board of education or LHD must report the results of screenings and the number of students receiving recommended services to MDH. MDH is required to (1) review hearing and vision screening reports from local boards of education and LHDs and (2) in counties where fewer than 50% of students who have failed the screenings are receiving recommended services, coordinate with the local board of education or LHD to implement measures to improve the number of students receiving the recommended services.

Individualized Education Programs

The federal Individuals with Disabilities Education Act (IDEA) requires that a child with disabilities be provided a free appropriate public education in the least restrictive environment from birth through the end of the school year in which the student turns 21 years old, in accordance with an individualized family service plan (IFSP) or IEP specific to the individual needs of the child. An IFSP is for children with disabilities from birth up to age 3, and up to age 5 under Maryland's Extended IFSP Option if a parent chooses the option. An IEP is for students with disabilities age 3 through 21. Local school systems are required to make a free appropriate public education available to students with disabilities from age 3 through 21. However, the State, under its supervisory authority required by IDEA, has the ultimate responsibility for ensuring that this obligation is met.

504 Plans

Under [Section 504 of the federal Rehabilitation Act of 1973](#), an organization that receives federal money, including public and many private schools, may not discriminate against a person on the basis of a disability. Section 504 requires schools to make a “reasonable accommodation” for students with disabilities to allow them to participate in school and school-related activities. Section 504 plans can be created to help students with disabilities receive accommodations that are not covered by their IEP. Students with disabilities who do not need an IEP may still receive accommodations through a Section 504 plan.

For example, a student who has diabetes may have a Section 504 plan that includes a schedule for getting medication. A student who uses a wheelchair may have a Section 504 plan that provides for special transportation during field trips.

Behavior Intervention Plans

A “behavior intervention plan” is a proactive plan designed to address problem behavior exhibited by a student in the education setting through the use of positive behavioral interventions, strategies, and supports.

Motor Vehicle Administration Vision Program

MVA operates an online vision certification service that allows authorized online vision certification providers to submit an individual's vision results electronically to MVA. Authorized providers (licensed eye care practitioners who complete an MVA-approved online application and have their credentials verified with MDH) are included in MVA’s provider list (accessible to the public via a [provider lookup page](#)) and may submit a patient’s examination results electronically to MVA via an online portal. The results can be used for individuals eligible to renew their driver’s license or identification card, or to apply for a learner’s permit or driver’s license.

Vision to Learn

[VTL](#) is a nonprofit organization that provides vision screenings, eye examinations, and glasses, free of charge, to children in low-income communities. VTL partners with school districts through memoranda of understanding to ensure all students have access to eye care. VTL assists school districts in providing eye screenings to students, follows up when needed using a mobile vision clinic where licensed optometrists conduct eye examinations, and provides new glasses to students as needed.

Since 2016, VTL has operated a program in Baltimore City Public Schools. [Vision for Baltimore](#) is a partnership between the Baltimore City Health Department (BCHD), Johns

Hopkins University, VTL, and Warby Parker. For students who do not pass the vision screenings provided by BCHD, the program provides, with the consent of a parent or guardian, an eye examination in VTL's mobile vision clinic, which goes to the school. Students who need eyeglasses pick the style and color of their frames in the mobile clinic. All services are available regardless of ability to pay, and parents are not charged.

State Fiscal Effect:

Costs to Expand Vision to Learn Services

The bill requires the Governor, for each fiscal year, to provide at least \$2.0 million to VTL to expand its services to five counties in the State each fiscal year until services are available in every county in the State. The actual cost to expand VTL programs to five additional counties cannot be reliably estimated at this time and depends on unknown factors such as which counties are selected, the existing services provided in those counties, and the needs of students in those counties. Thus, this analysis assumes that at least \$2.0 million in discretionary funding is provided in fiscal 2023, and that such funding is sufficient to cover the cost of service expansion as specified under the bill. To the extent costs are greater, general fund expenditures increase by an additional unknown amount.

Beginning in fiscal 2024, general fund expenditures increase by at least \$2.0 million annually to reflect the mandated appropriation to VTL for continued expansion into additional counties.

Impact on Medicaid

The bill requires children to obtain an eye examination before entering school and additional vision screenings when entering third or fourth grade; additional vision screenings are also required for certain individuals with an IEP, 504 plan, behavior intervention plan, or who meet other specified criteria. Medicaid provides coverage for children's eye examinations and glasses every two years. Medicaid reimburses \$7.10 for a vision screening, \$67.09 for a full eye examination, and \$71.88 for eyeglasses. To the extent the bill increases or accelerates Medicaid claims for vision screenings, eye examinations, and eyeglasses, Medicaid expenditures (55% federal funds, 45% general funds) increase beginning in fiscal 2023. Federal matching fund revenues increase accordingly.

Administrative and Reporting Expenses

MDH advises that the agency requires two additional full-time employees to assist the primary contact employee for SBHCs to provide implementation and oversight of the Vision for Maryland Program and assist in prepared reports mandated by the bill and

one part-time (50%) contractual employee to oversee implementation of the Pediatric Vision Program.

The Department of Legislative Services (DLS) advises that, although MDH has additional responsibilities to oversee the Vision for Maryland Program, MDH shares that responsibility with MSDE, and primary responsibility for administering the program is given to VTL. DLS advises that one full-time program manager should be sufficient to perform MDH’s duties in regard to the Vision for Maryland Program. DLS also advises that the Pediatric Vision Program may require ongoing support from both MSDE and MDH and may require an additional regular part-time (25%) employee at each agency to implement and oversee the Pediatric Vision Program.

General fund expenditures for MDH increase by \$103,117 in fiscal 2023, which accounts for a 90-day start-up delay from the bill’s July 1, 2022 effective date. This estimate reflects the cost of hiring one program manager to work with MDH’s SBHC contact to ensure implementation of the Vision for Maryland Program and to prepare the bill’s required reports. It also includes the cost of one part-time (25%) health policy analyst to work with MSDE to coordinate with optometrists and ophthalmologists in establishing the Pediatric Vision Program.

Positions	1.25
Salaries and Fringe Benefits	\$89,027
Other Operating Expenses	<u>14,090</u>
Total MDH FY 2023 Administrative Expenditures	\$103,117

Future year expenditures reflect annual increases and employee turnover and annual increases in ongoing operating expenses.

Similarly, MSDE general fund expenditures increase by \$103,117 in fiscal 2023, which accounts for a 90-day start-up delay from the bill’s July 1, 2022 effective date. This estimate reflects the cost of hiring one program manager to work with MSDE’s SBHC contact to ensure implementation of the Vision for Maryland Program and to prepare the bill’s required reports. It also includes the cost of one part-time (25%) analyst to work with MDH to coordinate with optometrists and ophthalmologists in establishing the Pediatric Vision Program.

Positions	1.25
Salaries and Fringe Benefits	\$89,027
Other Operating Expenses	<u>14,090</u>
Total MSDE FY 2023 Administrative Expenditures	\$103,117

Future year expenditures reflect annual increases and employee turnover and annual increases in ongoing operating expenses.

This analysis does not reflect any information technology costs associated with allowing the electronic sharing of eye examination results with school health staff under the Pediatric Vision Program. MVA can advise MSDE and MDH on their system using existing budgeted resources.

The Maryland State School Health Council can likely conduct the required evaluation with existing resources.

Local Expenditures: The bill significantly expands the number of vision screenings local boards of education and LHDs must provide, necessitating potentially significant additional local expenditures. The bill requires an additional screening be provided to every public school student in third or fourth grade. Additionally, each student who has an IEP or a 504 plan, a behavior intervention plan, and specified additional students must receive screenings under the bill. Per MSDE data, in 2021, about 102,400 students (11.6% of all students) had an IEP and 37,300 students (4.2% of all students) had a 504 plan.

This significant expansion in vision screenings cannot be accommodated with existing staff at local boards and LHDs. Additionally, local boards and LHDs likely lack sufficient supplies and equipment necessary to administer the additional screenings. The exact number of additional staff and equipment will vary depending on the size of the jurisdiction, but the Maryland Association of County Health Officers advises that, for every 100,000 residents in a jurisdiction, at least one additional full-time staff person would be needed to administer the additional screenings as specified in the bill.

The bill also likely results in increased administrative costs for local boards of education and LHDs to coordinate with the Vision for Maryland Program and VTL.

To the extent a local board does not retain a memorandum of understanding with VTL through the Vision for Maryland Program, local boards of education may need to cover the cost of eye examinations or provide eye examinations for students who fail the initial vision screening to ensure that each student who fails a vision screening receives an eye examination and glasses as required by the bill.

Some local boards and LHDs already provide vision screenings and eye examinations; however, for any county that does not provide eye examinations and does not have VTL services available, expenditures increase, potentially significantly. Based on Medicaid reimbursement rates, local boards and LHDs can expect to pay around \$67.09 for each eye examination, and \$71.88 for each pair of eyeglasses. Exact costs depend on the number of students screened who require a follow-up eye examination, the percent of students

examined who require eyeglasses, the number students who can obtain eye examinations and glasses via another method such as private insurance and submit an eye examination form, and the extent to which the Pediatric Vision Program and the Vision for Maryland Program administered by VTL are available in a county to provide eye examinations and glasses to students.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Association of County Health Officers; Maryland Department of Health; Maryland State Department of Education; Maryland Department of Transportation; Montgomery County Public Schools; Prince George's County Public Schools; St. Mary's County Public Schools; Department of Legislative Services

Fiscal Note History: First Reader - March 6, 2022
fnu2/jc

Analysis by: Michael E. Sousane

Direct Inquiries to:
(410) 946-5510
(301) 970-5510